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No. 46]

NEW DELHI, SATURDAY, NOVEMBER 13, 1999/KARTIKA 22, 1921

इस भाग में प्रिन्ट बूक संख्या दी जाती है जिससे कि यह अलग-अलग के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कामिक, लोक-शिकायत तथा पेंशन मंत्रालय
(कामिक और प्रशिक्षण विभाग)
नई दिल्ली, 25, अक्टूबर, 1999

का०आ०3257:—केन्द्रीय सरकार, दिल्ली विशेष पुलिस
स्थापना अधिनियम, 1948 (1948 का अधिनियम सं०
25) की धारा 6 के साथ पठित धारा 5 की उप धारा
(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा पश्चिम
बंगाल राज्य सरकार के गृह-विभाग (राजनीतिक) की दिनांक
27 सितम्बर, 1999 की अधिसूचना संख्या 6909-पी०
द्वारा प्राप्त सहमति से हावड़ा जी०आर००पी०एस० में दर्ज
दिनांक 30-06-99 का मामला संख्या 284 तथा दिनांक
15-06-99 का मामला संख्या सी०आई०डी० पश्चिम बंगाल
एम०पी०बी० 45-99/16/एम० (1) में श्री देबर्षि साहा,
सुपुत्र प्रोफेसर ए० साहा, प्रोफेसर-अर्थशास्त्र, त्रिपुरा विश्व-
विद्यालय, अगरतला के 11 जून, 1999 से कलकत्ता से
गुप्त हो जाने के संबंध में, भारतीय संघ संहिता, 1860
(1860 का अधिनियम सं० 45) की धारा 364 के तहत

किए गए अपराधों के अन्वेषण और ऊपर वर्णित अपराधों
के संबंध में अथवा उनसे संसक्त प्रयत्नों, बुद्धिरणों और
आपराधिक षड्यंत्रों अथवा वैसे ही संभव्यहार के अनुक्रम में
किया गया या किए गए अथवा उसी तथ्य या तथ्यों से
उद्भूत किसी अपराध या अपराधों का अन्वेषण करने के
लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों
और अधिकारिता का विस्तार, एतद्वारा संपूर्ण पश्चिम बंगाल
के संबंध में करती है।

[संख्या-228/72/99-ए०वी०डी०-II]

हरि सिंह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC

GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 25th October, 1999

S.O. 3257.—In exercise of the powers con-
ferred by sub-section (1) of Section 5 read with
section 6 of the Delhi Special Police Establishment

Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of West Bengal, vide Government of West Bengal, Home Department (Political) Notification No. 6909-P dated 27th September, 1999, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of West Bengal for the investigation of the offence punishable under section 364 of the Indian Penal Code 1860 (Act No. 45 of 1860) & attempts abetments and conspiracies in relation to, or in connection with the said offence and any other offences committed in the course of the same transaction, or arising out of the same fact or facts in regard to the Case No. 284 dated 30-06-99 registered at Howrah GRPS and Case No. CID West Bengal MPB 45-99/16(MI) dated 15-06-99 in connection with the missing of Shri Debarshi Saha, S/o Professor A. Saha, Professor of Economics in Tripura University, Agartala, from Calcutta since 11th June, 1999.

[No. 228/72/99-AVD-II]
HARI SINGH, Under Secy.

नई दिल्ली, 1 नवम्बर, 1999

का.प्रा. 3268.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार के गृह (पुलिस) अनुभाग-III की दिनांक 23 अक्टूबर, 1999 की अधिसूचना सं. 413(2)/जी आई/6-पी-3-99-15(63)-पी/99-लखनऊ द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से गुरुकुल कांगड़ी आयुर्वेदिक मेडिकल कालेज हरिद्वार की छात्रा कुमारी सुनीता भाव के मामले, के संबंध में पुलिस स्टेशन कोतवाली सीटी हरिद्वार, जिला हरिद्वार में दर्ज मामला सं. 964/99 में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 376, 328, 506, 306 और 120 बी के अधीन दंडनीय अपराधों और उपयुक्त मामले के संबंध में उसी संयोजन के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत उक्त अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और षड्यंत्र के किसी अन्य अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/69/99-ए.वी.डी. (II)]

हरि सिंह, अवर सचिव

New Delhi, the 1st November, 1999

S.O. 3258.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh vide Government of Uttar Pradesh Home (Police), Section-III, Notification No. 413(2)/GI/6-P-3-99-15

(63)P/99-LKO, dated 23-10-1999, hereby extends the power and jurisdiction of members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of offences punishable under sections 376, 328, 506, 306 and 120-B of Indian Penal Code, 1860 (Act No. 45 of 1860) and attempt, abetment and conspiracy relating to the aforementioned crime and any other offence or offences committed in the course of the same transaction or arising out of the same facts in regard to case of Miss Sunita Yadav, student of Gurukul Kangri Ayurvedic Medical College, Haridwar registered as Crime No. 964/99 with Police Station Kotwali City Haridwar, District Haridwar.

[No. 228/69/99-AVD-II]
HARI SINGH, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 15 अक्तूबर, 1999

स्टाम्प

का.प्रा. 3259.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै० दामोदर बेली कारपोरेशन, कलकत्ता को मात्र पच्चीस लाख चौंसठ हजार दो सौ पचास रुपए का समेकित स्टाम्प शुल्क भ्रदा करने की अनुमति प्रदान करती है, जो उक्त कारपोरेशन द्वारा जारी किए जाने वाले मात्र चौतीस करोड़ उन्नीस लाख रुपए के समग्र मूल्य के प्रत्येक एक-एक लाख रुपए के डिबेन्चरों के स्वरूप वाले 13.50 प्रतिशत कराधेय सुरक्षित विमोच्य, अपरिवर्तनीय गैर-संचयी राजकीय क्षेत्र के बांडों पर स्टाम्प शुल्क के कारण प्रभाय है और भारत सरकार, वित्त मंत्रालय, राजस्व विभाग की अधिसूचना सं० का.प्रा. 2063 दिनांक 6 जुलाई, 1999 में 6 जुलाई, 1999 से निम्नलिखित संशोधित करती है, नामतः—

उक्त अधिसूचना में—

- (1) “मात्र नब्बे लाख इकतालीस हजार दो सौ पचास रुपए का समेकित स्टाम्प शुल्क भ्रदा करने “शब्दों को” मात्र पच्चीस लाख चौंसठ हजार दो सौ पचास रुपए का समेकित स्टाम्प शुल्क भ्रदा करने” द्वारा प्रतिस्थापित किया जाएगा, और
- (2) “मात्र एक सौ बीस करोड़ और पचास लाख रुपए के समग्र मूल्य के” शब्दों को “मात्र चौतीस करोड़ उन्नीस लाख रुपए के समग्र मूल्य के” द्वारा प्रतिस्थापित किया जाएगा।

[सं० 50/99-स्टाम्प-एफ सं० 33/40/90-बि०क०]

पार०जी० छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 15th October, 1999

STAMPS

S.O. 3259.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Damodar Valley Corporation, Calcutta to pay consolidated stamp duty of rupees twenty five lakh sixty four thousands two hundred fifty only chargeable on account of the stamp duty on 13.50 per cent Taxable Secured Redeemable Non-Convertible Non-Cumulative Public Sector Bonds in the nature of Debentures of rupees one lakh each aggregating to rupees thirty four crores nineteen lakh only to be issued by the said corporation and makes the following amendment in the notification of the Govt. of India in the Ministry of Finance, Department of Revenue No. S.O. 2063 dated the 6th July, 1999 with effect from 6th July, 1999, namely :—

In the said notification, for the words,—

- (i) "to pay consolidated stamp duty of rupees ninety lakh forty one thousand two hundred fifty only", the words "to pay consolidated stamp duty of rupees twenty five lakhs sixty four thousand two hundred fifty only" shall be substituted; and
- (ii) "aggregating to rupees one hundred twenty crore and fifty lakhs only", the words "aggregating to rupees thirty four crore nineteen lakh only" shall be substituted.

[No. 50/99-Stamps-F. No. 33/40/99-ST]

R. G. CHHABRA, Under Secy.

आवेश

नई दिल्ली, 22 अक्टूबर, 1999

स्टाम्प

का.आ. 3260:— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. आई.सी.आई.सी.आई. लि. मुम्बई को मात्र दो करोड़ बारह लाख अठ्ठाइस हजार चार सौ बहत्तर रु. और पचास पैसे का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले ऋण पत्रों के स्वरूप वाले केवल दो सौ तिरासी करोड़ चार लाख बासठ हजार आठ सौ रु. के समग्र मूल्य के 565624 आईसीआई सुरक्षा बंध-पत्रों (अगस्त, 1999) पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 51/99-स्टाम्प/फा. सं. 33/64/99-वि.क.]

अपर्णा शर्मा, अवर सचिव

ORDER

New Delhi, the 22nd October, 1999

STAMPS

S.O. 3260.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. ICICI Limited, Mumbai to pay consolidated stamp duty of rupees two crore twelve lakh twenty eight thousand four hundred seventy two and paise fifty only on account of the stamp duty on 565624 ICICI Safety Bonds (August, 1999) in the nature of Debentures aggregating to rupees two hundred eighty three crore four lakh sixty two thousand eight hundred only to be issued by the said company.

[No. 51/99-STAMPS/F. No. 33/64/99-ST]

APARNA SHARMA, Under Secy

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 27 अक्टूबर, 1999

(आयकर)

का.आ. 3261:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 35 की उपधारा (2 कख) के खण्ड (1) के अनुसरण में केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा एक सामान अथवा वस्तु होने के नाते किसी हेलीकॉप्टर अथवा विमान के विनिर्माण अथवा उत्पादन को उक्त खण्ड के प्रयोजनार्थ अधिसूचित करता है।

[अधिसूचना संख्या 11112/फा.सं. 225/192/99—
आई.टी.ए.-II]

कमलेश सी. वार्ष्णेय, अवर सचिव

(Centre Board of Direct Taxes)

New Delhi, the 27th October, 1999

(INCOME TAX)

S.O. 3261.—In pursuance of clause (1) of sub-section (2AB) of section 35 of Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby notify manufacture of production of an helicopter or aircraft being an article or thing, for the purpose of said clause.

[Notification No. 1111/F. No. 225/192/99/ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

आदेश

नई दिल्ली, 28 अक्टूबर, 1999

का.आ. 3262:—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/63/99-सी.यू.-एस.-VIII, दिनांक 13-8-99 जारी किया और यह निर्देश दिया कि श्री श्रवण सिंह, पता: सी-153, पुष्पाजली एन्क्लेव, पीतम्पुरा, नई दिल्ली को गिरफ्तार कर लिया जाए और केन्द्रीय

कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा०सं० 673/63/99-सी.यू.एस.-VIII]

एम०एस० नेगी, अवर सचिव

ORDER

New Delhi, the 28th October, 1999

S.O. 3262.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/63/99-Cus. VIII dated 13-8-99 under the said sub-section directing that Sh. Sarwan Singh, C-153, Pushpanjali Enclave, Pitampura, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from Smuggling goods in future.

2. Whereas, the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/63/99-Cus. VIII]

M. S. NEGI, Under Secy.

नई दिल्ली, 1 नवम्बर, 1999

का०सं० 3263.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार मैसर्स हैप्पी होम प्रोफ़िन लि० को आयकर अधिनियम, 1961 की धारा 36(1)(viii) के प्रयोजनार्थ कर निर्धारण वर्ष 1999-2000 के लिए अनुमोदित करती है।

2. उक्त अनुमोदन इस शर्त पर किया जाता है कि :—

- (i) उक्त कंपनी अपना मुख्य उद्देश्य आवासीय प्रयोजनों के लिए गृहों के निर्माण अथवा खरीद के लिए दीर्घकालिक वित्त उपलब्ध कराने का कारोबार रहा हो।

- (ii) उक्त कंपनी आयकर अधिनियम, 1961 की धारा 139(1) के अंतर्गत आय की विवरणी दाखिल करने की निर्धारित तिथि से पहले इस धारा के अंतर्गत दावा की गई कटौती के विवरण सहित लाभ और हानि खाते तथा अधिशेष पत्र की लेखा परीक्षा की एक प्रतिलिपि प्रतिवर्ष प्रस्तुत करती है;

- (iii) अधिनियम के अनुसार यथा अपेक्षित विशेष रिजर्व सृजित किया एवं रखा जाता है, और

- (iv) आयकर अधिनियम, 1961 की धारा 36(1)(viii) में विहित अन्य सभी शर्तों को पूरा किया जाता है।

[अधिसूचना सं० 11116/फा०सं० 204/11/98-आ०/क०नि०-II]

कमलेश सी० वाण्णय, अवर सचिव

New Delhi, the 1st November, 1999

S.O. 3263.—It is notified for general information that M/s. Happy Home Profin Limited has been approved by the Central Government for the purposes of section 36(1)(viii) of the Income-tax Act, 1961, for the assessment year 1999-2000.

2. The approval is subject to the condition that :

- (i) the company has its main object of carrying on the business of providing long term finance for construction or purchase of houses for residential purposes;
- (ii) the company submits every year a copy of its audited profit and loss account and balance sheet alongwith a statement of deduction claimed under this section before its due date for filing return of income under section 139(1) of the Income-tax Act, 1961;
- (iii) the special reserve as required is created and maintained as per the Act; and
- (iv) all other conditions contained in section 36(1)(viii) of the Income-tax Act, 1961, are fulfilled.

[Notification No. 11116/F. No. 204/11/98-ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 1 नवम्बर, 1999

का. आ. 3264.—यह आम सूचना के लिए अधिसूचित किया जाता है कि केन्द्र सरकार ने आयकर अधिनियम, 1961 की धारा 36(1)(viii) के प्रयोजनार्थ मैसर्स एज आई सी हाऊसिंग फाइनेंस लिमिटेड को कर-निर्धारण वर्ष 1999-2000 के लिए अनुमोदित किया है।

2. यह अनुमोदन निम्नलिखित शर्तों के अधीन है।

- (i) कम्पनी का मुख्य उद्देश्य आवासीय उद्देश्यों के लिए गृह निर्माण अथवा खरीद के लिए दीर्घकालीन वित्त उपलब्ध कराने का कारोबार करता रहा हो।
- (ii) कम्पनी आयकर अधिनियम, 1961 की धारा 139(i) के अन्तर्गत आय विवरणी फाइल करने के लिए निर्धारित तारीख से पहले इस धारा के अन्तर्गत कटौती दावे के विवरण समेत लेखा परीक्षित लाभ और हानि लेखा और मूलन पत्र की प्रतिलिपि प्रतिवर्ष प्रस्तुत करती है।
- (iii) अधिनियम के अनुसार यथा अपेक्षित विशेष रिजर्व सृजित किया जाता हो और रखा जाता हो ; और
- (iv) आयकर अधिनियम, 1961 की धारा 36(1) (VIII) में उल्लिखित अन्य सभी शर्तें पूरी की जाती हैं।

[अधिसूचना सं. 11114/फा. सं. 204/25/98-
आई टी ए-II]
कमलेश सी. वाण्येय, अवसर सचिव

New Delhi, the 1st November, 1999

S.O. 3264.—It is notified for general information that M/s. LIC Housing Finance Limited has been approved by the Central Government for the purposes of section 36(1)(viii) of the Income-tax Act, 1961, for the assessment year, 1999-2000.

2. The approval is subject to the condition that :

- (i) the company has its main object of carrying on the business of providing long term finance for construction or purchase of houses for residential purposes;
- (ii) the company submits every year a copy of its audited profit and loss account and balance sheet alongwith a statement of deduction claimed under this section before its due date for filing return of income under section 139(1) of the Income-tax Act, 1961;
- (iii) the special reserve as required is created and maintained as per the Act; and
- (iv) all other conditions contained in section 36(1)(viii) of the Income-tax Act, 1961, are fulfilled.

[Notification No. 11114/F. No. 204/25/98-ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 1 नवम्बर, 1999

का. भा. 3265.—यह आम सूचना के लिए अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा नीचे पैरा 3 में उल्लिखित उद्यम को आयकर नियमावली, 1962

के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23 छ) के प्रयोजनार्थ कर निर्धारण वर्ष 1999-2000 के लिए अनुमोदित किया गया है।

2. यह अनुमोदन निम्नलिखित शर्तों के अधीन है :—

- (i) उद्यम आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23 छ) के उपबंधों के अनुरूप होगा और उनकी अनुपालना करेगा।
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम;

क. अवसंरचनात्मक सुविधा को जारी नहीं रखता है ;

ख. लेखा बहियों का रख-रखाव नहीं करता है और ऐसी बहियों को आयकर नियमावली 1962 के नियम 23 के उपनियम (7) द्वारा अपेक्षानुसार लेखाकार द्वारा लेखापरीक्षा नहीं करवाता है ; अथवा

ग. आयकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा अपेक्षानुसार लेखापरीक्षण रिपोर्ट प्रस्तुत नहीं करता है ;

3. अनुमोदित उद्यम, वास, III, दूरसंचार विभाग के जारी कार्यरत भारत सरकार के राष्ट्रपति और मैसर्स इरोडियम इण्डिया टेलिकाम लि. के मध्य दिनांक 28-10-98 को अस्थाई लाईसेंस समझौता सं. 840-4/98-वास/वाल्सुम IV/32 के अन्तर्गत मैसर्स इरोडियम इण्डिया टेलिकाम लि., दूसरी मंजिल, सी/8, स्ट्रीट नं. 22, मुम्बई-400093 द्वारा सेटालाईट सर्विस द्वारा ग्लोबल मोबाईल पर्सनल कम्युनिकेशन हैं।

[अधिसूचना सं. 11115/फा. सं. 205/54/98-
आई टी ए-II]

कमलेश सी. वाण्येय, अवसर सचिव

New Delhi, the 1st November, 1999

S.O. 3265.—It is notified for general information that the enterprise, listed at para (3) below have been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 1999-2000.

2. The approval is subject to the condition that—

- (i) the enterprise will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise :—

(a) ceases to carry on infrastructure facility; or

- (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962, or
- (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is Global Mobile Personal communication by Satellite Service by M/s. Iridium India Telecom Limited, 2nd floor, C/8, Street No. 22, Mumbai-400093, under the provisional license agreement no. 840-4/98-VAS/Vol. III/32, dated 28-10-98 between the President of India, acting through Director VAS-III, Department of Telecommunication and M/s. Iridium India Telecom Ltd.

[Notification No. 11115/F. No. 205/54/98-ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 01 नवम्बर, 1999

का. आ. 3266.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा पैरा (3) में उल्लिखित उद्यम को आयकर नियमावली, 1962 के नियम 2(ड) के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2000-2001 के लिए अनुमोदित किया जाता है।

2. उक्त अनुमोदन इस शर्त पर दिया जाता है कि :—

- (1) उद्यम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा।

- (2) केन्द्र सरकार इस अनुमोदन को वापस ले लेगी यदि उद्यम :—

(क) मूलभूत सुविधा को जारी रखना बंद कर देता है ; अथवा

(ख) खाता बहियों को रखने में और आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा यथापेक्षित किसी लेखाकार द्वारा ऐसी बहियों की लेखा परीक्षा कराने में असफल हो जाता है; अथवा

(ग) आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा यथापेक्षित लेखा-परीक्षा रिपोर्ट को प्रस्तुत करने में असफल हो जाता है।

(घ) संचार मंत्रालय, दूर संचार विभाग के दिनांक 23-8-99 के पत्र सं. 840-1/97 वी ए एस/खण्ड III द्वारा निर्धारित शर्तों का अनुपालन करने में असमर्थ रहता है।

3. अनुमोदित उद्यम का नाम निम्नानुसार है—संचार मंत्रालय, दूर संचार विभाग के दिनांक 23-8-99 के पत्र सं. 840-1/97/वी ए एस/खण्ड III (फा. सं. 205 79/99-आयकर नि.-II) के तहत अस्थाई लाइसेंस के प्रस्ताव के अन्तर्गत मैसर्स ए एस सी एन्टरप्राइजेज लि. अजन्ता व्यापार केन्द्र, 8, जुहु तारा रोड, मुम्बई-400049 द्वारा उपग्रह सेवा के माध्यम से ग्लोबल मोबाइल पर्सनल कम्यूनिकेशन।

[अधिसूचना सं. 11113/फा. सं. 205/79/99-
आई टी ए-II]

कमलेश सी. वाण्येय, अधर सचिव

New Delhi, the 1st November, 1999

S.O. 3266.—It is notified for general information that the enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2000-2001.

2. The approval is subject to the condition that—

- (i) the enterprise will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;

- (ii) the Central Government shall withdraw this approval if the enterprise —

(a) ceases to carry on infrastructure facility; or

(b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or

(c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

(d) fails to comply with the conditions prescribed by the department of Telecommunication, Ministry of Communication vide their letter No. 840-1/97/VAS/Vol. III dated 23-8-99.

3. The enterprise approved is—Global Mobile Personal communication by Satellite Service by M/s. ASC Enterprises Limited, Ajanta Business Centre, 8, Juhu Tara Road, Mumbai-400049, under the offer of provisional license by the Department of Telecommunication, Ministry of Communication vide their letter No. 840-1/97/VAS/Vol. III dated 23-8-99.

[Notification No. 11113/F. No. 205/79/99-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 1 नवम्बर, 1999

का.आ. 3167:—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा पैरा (3) में नीचे उल्लिखित उद्यम/प्रौद्योगिक उपक्रम को

नियमावली, 1962 के नियम 2 (ड) के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के प्रयोजनार्थ कर-निर्धारण वर्ष 1999-2000, 2000-2001 और 2001-2002 के लिए अनुमोदित दिया गया है।

2. उक्त अनुमोदन इस शर्त पर दिया गया है कि :

- (i) उद्यम औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2 ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा;
- (ii) केन्द्र सरकार इस अनुमोदन को वापस ले लेगी यदि उद्यम उपक्रम :—

- (क) मूलभूत सुविधा को जारी रखना बंद कर देता है, अथवा
- (ख) खाता-बहियों को रखने में और आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा यथापेक्षित किसी लेखाकार द्वारा ऐसी बहियों की लेखा परीक्षा कराने में असफल हो जाता है; अथवा
- (ग) आयकर नियमावली, 1962 के नियम 2ड के उपनियम (7) द्वारा यथापेक्षित लेखा-परीक्षा रिपोर्ट को प्रस्तुत करने में असफल हो जाता है।

3. अनुमोदन प्राप्त उद्यम/उपक्रम के नाम निम्नानुसार हैं :—

- (i) भारत सरकार, महाराष्ट्र सरकार, अशोका बिल्ड-कॉन प्रा० लि. और अशोका वास्तुशिप प्रा० लि० के बीच दिनांक 16 नवम्बर, 1998 को हुए समझौते के आधार पर मैसर्स अशोका वास्तु-शिप प्रा. लि. 1/2, रिवर व्यू धारपुर घाट, अशोक स्तम्भ, नासिक-422002 द्वारा बिल्ड अपरेट ट्रांसफर आधार पर गांव नशीराबाद, जिला जलगांव, महाराष्ट्र के समीप एन आई आई-6 पर रेलवे ओवरब्रिज का निर्माण।

[फा. सं. 205/110/99-आ. क. नि.-II]

- (ii) निदेशक (बी.ए. एस-I) के माध्यम से भारत के राष्ट्रपति, संचार विभाग और मैसर्स फेसिल लि. के बीच दिनांक 11 जनवरी, 1996 के लाइसेंस करार सं. 812-58(13) 95-बी ए एस के अनुसार मैसर्स फेसिल लिमिटेड, छठी मंजिल, सकर-II, एलिस, ब्रिज, अहमदाबाद-380006 के गुजरात सर्किल में सेलुलर मोबाइल टेलीफोन सर्विस प्रोजेक्ट।

[फा. सं. 205/123/99-आ. क. नि.-II]

- (iii) गुजरात में रिलायंस पावर लि., अक्वेश हाउस, तीसरा तल, प्रीतिम नगर प्रथम स्लोप, एलिस ब्रिज, अहमदाबाद-380006 का 2*250 मेगावाट जामनगर पेटकोक बेस्ड थर्मल पावर स्टेशन।

[फा. सं. 205/156/99-आयकर नि-II]

- (iv) मैसर्स आस्था पावर कारपोरेशन लि., बी.-I इंडस्ट्रियल एस्टेट, सनथ नगर, हैदराबाद-500018 का पशमाइलराम, जिला मेदक आन्ध्र प्रदेश में 28.77 मेगावाट कोजेनेरेशन मिनी पावर प्लांट।

[फा. सं. 205/159/99-आ. क. नि.-II]

[अधिसूचना सं. : 11117/फा. सं. 205/110/99-आ. क. नि-II व अन्य]

कमलेश सी. वाण्येय, अव्वर सचिव

New Delhi, the 1st November, 1999

S.O. 3267.—It is notified for general information that enterprises/industrial undertakings, listed at para (3) below have been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 1999-2000, 2000-2001 and 2001-2002.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
 - (a) ceases to carry on infrastructure facility, or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprises/industrial undertakings approved are—

- (i) Construction of Railway Over Bridge on NII-6 near village Nashirabad, District Jalgaon, Maharashtra on Build Operate Transfer Basis by M/s. Ashoka Vastuship Private Limited, 1/2, river View, Gharpure Ghat, Ashok Stambha, Nasik-422002, on the basis of the agreement dated 16th November, 1998 amongst Government of India, Government of Maharashtra, Ashoka Buldcon Private Limited and Ashoka Vastuship Private Limited.

[F. No. 205/110/99-ITA-II]

- (ii) Cellular Mobile Telephone Service Project in Gujarat Circle of M/s. Fascal Limited,

6th Floor, Sakar II, Ellisbridge, Ahmedabad-380006. as per license agreement no. 842-58(B)|95-VAS dated 11th January, 1996 between President of India, through Director (VAS-I), Department of Telecommunication and M/s. Fasel Limited.

[F. No. 205|123|99-ITA-II]

- (iii) 2*250 MW Jamnagar Petcoke based Thermal Power Station in Gujarat of M/s. Reliance Power Ltd., Avdesh House, 3rd Floor Pritam Nagar, 1st Slopc, Ellisbridge, Ahmedabad-380006.

[F. No. 205|156|99-ITA-II]

- (iv) 28.77 MW Cogeneration Mini Power Plant at Pashamylaram, district Medak, Andhra Pradesh of M/s. Astha Power Corporation Limited, B-1, Industrial Estate, Sanathnagar, Hyderabad-500018.

[F. No. 205|159|99-ITA-II]

[Notification No. 11117|F. No. 205|110|99-ITA-II & Others]

KAMLESH C. VARSHNEY, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 3 नवम्बर, 1999

का.आ. 3268 :—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा मैसर्स केरला पावर फाईनैस कारपोरेशन लि. को देश में औद्योगिक विकास के लिए दीर्घ कालिक वित्त प्रदान करने में लगे निगम के रूप में आयकर अधिनियम, 1961 की धारा 36(1) (viii) के प्रयोजनार्थ कर निर्धारण वर्ष 1999-2000 के लिए अनुमोदित करती है।

2. यह अनुमोदन इस शर्त पर किया जाता है कि कंपनी आयकर अधिनियम 1961 की धारा 36(1) (viii) के अनुबंधों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 11118/का. सं. 204/7/99-आयकर नि. II]

कमलेश सी. वाण्य, अवर सचिव

Central Board of Direct Taxes

New Delhi, the 3rd November, 1999

S.O. 3268.—It is notified for general information that M/s. Kerala Power Finance Corporation Limited has been approved by the Central Government as a Corporation engaged for providing long term finance for industrial development in the country for the purposes of section 36(1)(viii) of the income tax Act, 1961, for the assessment year 1999-2000.

2. The approval is subject to the condition that the company will conform to and to comply with the provisions of section 36(1)(viii) of the Income tax Act, 1961.

[Notification No. 11118|F. No. 204|7|99-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 3 नवम्बर, 1999

का.आ. 3269 :—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा मैसर्स मेघालय इंडस्ट्रियल डेवलपमेंट कारपोरेशन लि. को आयकर अधिनियम, 1961 की धारा 36(1) (viii) के प्रयोजनार्थ देश में औद्योगिक विकास के लिए दीर्घकालिक वित्त प्रदान करने में लगे निगम के रूप में कर निर्धारण वर्ष 1997-98, 1998-99 और 1999-2000 के लिए अनुमोदित करती है।

2. यह अनुमोदन इस शर्त पर दिया जाता है कि कंपनी आयकर अधिनियम 1991 की धारा 36(1) (viii) के उपबंधों के अनुरूप में होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 11119/का. सं. 204/30/98-आयकर (नि.-II)]

कमलेश सी. वाण्य, अवर सचिव

New Delhi, the 3rd November, 1999

S.O. 3269.—It is notified for general information that M/s. Meghalaya Industrial Development Corporation Limited has been approved by the Central Government as a Corporation engaged for providing long term finance for industrial development in the country for the purposes of section 36(1)(viii) of the Income tax Act, 1961, for the assessment years 1997-98, 1998-99 and 1999-2000.

2. The approval is subject to the condition that the company will conform to and to comply with the provisions of section 36(1)(viii) of the Income tax Act, 1961.

[Notification No. 11119|F. No. 204|30|98-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

(आयिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 3 नवम्बर, 1999

का.आ. 3270 :— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, यह घोषणा करती है कि उक्त अधिनियम की धारा 13 के उपबन्ध 111.20 करोड़ रुपए के प्रस्तावित निगम अर्थात् प्रत्येक 10/- रुपए अंकित मूल्य के 11.12 करोड़ शेयरों के लिए इंडियन ओवरसीज बैंक पर लागू नहीं होंगे।

[सं. 12/23/99-बी.ओ.ए. (क)]

श्रीमती पी. मोहन, निवेशक (बी.ओ.)

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 3rd November, 1999

S.O. 3270.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 13 of the said Act shall not apply to the Indian Overseas Bank for the public issue of Rs. 111.20 crores i.e. 1.12 crore shares of face value of Rs. 10/- each.

[F. No. 12/23/99-BOA(a)]

MRS. P. MOHAN, Director (BO)

नई दिल्ली, 3 नवम्बर, 1999

का.आ. 3271:— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 15(1) के उपबन्ध में इस अधिसूचना की तारीख से पांच वर्ष की अवधि के लिए इंडियन ओवरसीज बैंक पर लागू नहीं होंगे।

[फा.सं. 12/23/23/99-बी.ओ.ए. (ख)]

श्रीमती पी. मोहन, निदेशक

New Delhi, the 3rd November, 1999

S.O. 3271.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Section 15(1) of the said Act shall not apply for a period of five years from the date of this notification to the Indian Overseas Bank.

[F. No. 12/23/99-BOA(b)]

MRS. P. MOHAN, Director (BO)

कृषि मंत्रालय

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 30 नवम्बर, 1999

का.आ. 3272 :— केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तंभ (1) में उल्लिखित अधिकारी को, जो सरकार का एक राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपनी अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा

3206 GI/99—2.

अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिनियमित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पद नाम सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं

1	2
श्री आर.पी. सरोज, अवर सचिव (कृषि अनुसंधान एवं शिक्षा विभाग)	सम्पूर्ण देश के विभिन्न स्थानों पर अवस्थित भारतीय कृषि अनुसंधान परिषद और उसके संस्थानों आदि के स्वामित्वाधीन या उसके द्वारा या उनका आ-से पट्टे पर ली गई सभी स्थावर सम्पत्तियां/परिसर।

[फा.सं. 17-11/95-सामान्य प्रशासन]

सतवंत सिंह, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture Research and Education)

New Delhi, the 30th September, 1999

S.O. 3272.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being Gazetted Officer of the Central Government, to be Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officer by or under the said Act within the local limits of his jurisdiction, in respect of the Public Premises specified in the corresponding entry in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of Public Premises and local limits of jurisdiction
(1)..	(2)
Sh. R.P. Saroj Under Secretary (DARE)	All immoveable properties/premises belonging to, or taken on lease by or on behalf of Indian Council Agricultural Research, and its Institutes etc. situated at various places across the country.

[F.No. 17-11/05-Genl. Admn.]

SATWANT SINGH, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 2 नवम्बर, 1999

का.प्रा. 3273 :— सार्वजनिक स्थान (अप्रार्थित अधिभोगियों की बे-दखली), अधिनियम, 1971 (1971 का 40) की धारा-3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा वरिष्ठ विधि अधिकारी कवास गैस विद्युत परियोजना, जो राष्ट्रीय ताप विद्युत निगम लिमिटेड के एक अधिकारी हैं, तथा भारत सरकार के राजपत्रित अधिकारी के समकक्ष हैं, को उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है जो सार्वजनिक स्थानों की श्रेणियों के बारे में अपने अधिकार क्षेत्र की स्थानीय सीमाओं के भीतर उक्त अधिनियम के द्वारा अथवा उसके अन्तर्गत सम्पदा अधिकारी के प्रदत्त की गई शक्तियों का प्रयोग कर सकेगा और सम्पदा अधिकारी को सौंपे गए कर्तव्यों का पालन करेगा तथा उक्त प्रयोजनों के लिए दिनांक 24 जुलाई, 1993 को भारत के राजपत्र भाग-2, खंड-3, उपखंड(ii) में प्रकाशित भारत सरकार के विद्युत मंत्रालय की दिनांक 8 जुलाई, 1993 के का.प्रा. 1590 की अधिसूचना को निम्नवत रूप से संशोधित करती है :—

उक्त अधिसूचना की तालिका में कॉलम (1) में क्रम संख्या-1 के सामने की प्रविष्टि “डी.एस.राव, वरिष्ठ कामिक अधिकारी, कवास गैस विद्युत परियोजना, गुजरात” के स्थान पर शब्द “जी.एल.शर्मा, वरिष्ठ विधि अधिकारी, कवास गैस विद्युत परियोजना, गुजरात” रखे जायेंगे।

[फा.सं. 8/6/92-थर्मल-1]

के.बी.जैकब, उप सचिव

MINISTRY OF POWER

New Delhi, the 2nd November, 1999

S.O. 3273.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Senior Law Officer, Kawas Gas Power Project an officer of the National Thermal Power Corporation Limited, being an officer equivalent to the rank of Gazetted Officer of the Government, to be an estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officer by or under the said Act, within the local limits of his jurisdiction and for the said purpose makes the following amendments to the notification of the Government of India in the Ministry of Power, unnumber S.O. 1590 dated the 8th July, 1993 published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 24th July, 1993.

In the table below the said notification, in column (1), against serial number 1, for the entry “D.S. Rao, Senior Personnel Officer, Kawas Gas Power Project Gujarat”, the entry “G. L. Sharma, Senior Law

Officer, Kawas Gas Power Project Gujarat”, shall be substituted.

[F. No. 8/6/92-Th. 1]

K. V. JACOB, Dy. Secy.

शहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 29 अक्टूबर, 1999

का.प्रा. 3274 :—यत्. निम्नलिखित क्षेत्रों के बारे में कुछ संशोधन, जिन्हें केन्द्रीय सरकार अधोवर्णित क्षेत्रों के बारे में दिल्ली वृहद योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है तथा जो दिल्ली विकास अधिनियम, 1956 (1957 का 61) की धारा 44 के प्रावधानों के अनुसार दिनांक 10-12-94 के नोटिस संख्या एफ-3 (61) 90-एम पी द्वारा प्रकाशित किये गये थे जिसमें उक्त अधिनियम की धारा 11-ए की उपधारा (3) में अपेक्षित आपत्तियों/सुझाव उक्त नोटिस की तारीख के 30 दिन की अवधि में आमंत्रित किये किये गये थे।

और यत्. प्रस्तावित संशोधन के बारे में एक आपत्ति/सुझाव प्राप्त हुआ है था और यत्. केन्द्र सरकार ने मामले के सभी पक्षों पर ध्यान पूर्व विचार करने के पश्चात् दिल्ली वृहद योजना में संशोधन करने का निर्णय लिया है।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त वृहद योजना में एतद्वारा निम्नलिखित संशोधन करती है:

संशोधन :—

महरोली महिवालपुर मार्ग के दक्षिण में लगभग 27.25 हेक्टेयर का क्षेत्र, जो उत्तर में इंडियन स्पेसल इंजरी हॉस्पिटल तथा ग्रामीण क्षेत्र; दक्षिण में एम.ई.ओ. (मिलिट्री स्टेट आफिस), रिहायशी व ग्रामीण क्षेत्र, तथा पश्चिम में सुलतान गढ़ी मकबरे से घिरा है, का भू-उपयोग “ग्रामीण उपयोग” से बदल कर “रिहायशी” “परियटन तथा मनोरंजनात्मक” किया जाता है। जिसके ब्यौरे इस प्रकार हैं

- | | |
|--------------------------------------|----------------|
| (i) रिहायशी | 4.69 हेक्टेयर |
| (ii) परिवहन (हवाई अड्डा) | 18.16 हेक्टेयर |
| (iii) परिवहन
(45 मीटर चौड़ी सड़क) | 3.40 हेक्टेयर |
| (iii) मनोरंजनात्मक | 1.00 |

[सुलतान गढ़ी स्मारक के
आस-पास हैरिटेज योजना हेतु]

[सं. के. -13011/8/94-डीडी I बी]

आर.एस. गुसाई, अवर सचिव

MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 29th October, 1999

S.O. 3274.—Whereas certain modifications which the Central Government propose to make in the Master Plan for Delhi/Zonal Development Plan regarding the area mentioned hereunder were published with Notice No.F.3(61)90-MP dated 10-12-94 in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice.

2. Whereas one objection/suggestion was received with regard to the proposed modification and whereas the Central Government have after carefully considering all aspects of the matter, decided to modify the Master Plan:

3. Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of Publication of this Notification in the Gazette of India.

MODIFICATION

"The land use of an area measuring about 27.25 ha. in South of Mehrauli Mahipalpur road bounded by Indian Spinal injury Hospital & rural area in the North; rural area in the East, land of MEO (Military Estate Office), residential and rural area in the South; and Sultan Garhi Tomb in the West changed from 'rural use' to 'residential', 'transportation' and 'recreational' with the following break-up:—

(i) Residential	4.69 ha.
(ii) Transportation (airport)	18.16 ha.
(iii) Transportation (45 mt. Wide road)	3.40 ha.
(iv) Recreational	
(for heritage scheme around Sultan Garhi Monument)	1.00 ha.

[No. K-13011/8/94-DDIB]
R.S. GUSAIN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 नवम्बर, 1999

का. अ. 3275 :—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में मोरी ई. पी. एस. से डिन्डी एस. बी. स्टेशन तक पेट्रोलियम गैस के परिवहन के लिए एक पाइप लाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए ;

और यह कि केन्द्रीय सरकार को प्रतीत होता है कि उक्त पाइप लाइन बिछाने के प्रयोजन के लिए उस भूमि में जिसमें उक्त पाइप लाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना में उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, राजपत्र में या प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिवस के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइप लाइन बिछाने के संबंध में आपेक्ष, लिखित रूप में सक्षम अधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, के. जी. बेसिन, दानवंपेट, राजमन्त्री (आन्ध्र प्रदेश) को कर सकेगा ।

अनुसूची

जिला	तहसील/मंडल	ग्राम	सर्वेक्षण संख्या	अर्जन हेतु क्षेत्र (हेक्टेयर में)
1	2	3	4	5
पूर्व गोदावरी	मन्त्रिनेटिपल्लि	अनंतखेदिपालेम	413/6 भाग	0.1262
			413/7 भाग	0.0100
			414 भाग	0.1600
			415/4 भाग	0.0050
			421 भाग	0.2000
			420/4 भाग	0.1125
			419 भाग	0.1000
			431/1 भाग	0.1200
			431/2 भाग	0.1475
			430/1 भाग	0.0336
			430/2 भाग	0.0450
			432/2 भाग	0.0662
			433/2 भाग	0.1150
			433/1 भाग	0.0100 जी. पि.
			436/1 भाग	0.1025
			436/2 ए भाग	0.1850
			436/2 बी भाग	0.0875
			435/1 भाग	0.0750
			444/18 भाग	0.0225
			444/17 भाग	0.0875
			444/9 भाग	0.0766
			444/10 भाग	0.0550
			444/12 भाग	0.0032
			444/11 भाग	0.0275
			444/5 भाग	0.0012
			444/6 भाग	0.0550
			444/7 भाग	0.0220
			445 भाग	0.0225 जी. पि.
			484/1 भाग	0.0400
			484/2 भाग	0.0175
			484/3 भाग	0.0100
			482/4 भाग	0.2150
			481/1 ए भाग	0.0875
			480/1 ए भाग	0.2150
			476/2 भाग	0.1150
			476/3 भाग	0.0150
			478/2 भाग	0.0725
			478/4 भाग	0.0996
			478/5 भाग	0.0100
			465/2 भाग	0.1975
			465/3 भाग	0.0462
			466/1 सी भाग	0.0016

1	2	3	4	5
पूर्व गोदावरी	मखिनेटिपल्लि	अनन्तेदिपल्लिम	466/1 ए 2 भाग 466/1 ए 1 भाग 466/1 बी भाग	0.0100 0.1525 0.0100
			कुल योग	3.3939 या एकड़ 8.39 सेंटेस
पूर्व गोदावरी	मखिनेटिपल्लि	केसवदामुपालेम	147/2 भाग 148/1 बी भाग 148/1 ए भाग 144 भाग 142/1 बी भाग 142/2 ए भाग 132/1 भाग 132/2 भाग 132/3 भाग 129/5 भाग 128/2 भाग 128/1 भाग 134 भाग 135 भाग 125 भाग 122/6 भाग 122/1 भाग 122/3 भाग 121/5 भाग 121/6 भाग 121/7 भाग 117/2 भाग 117/3 भाग 114/7 भाग 114/5 भाग 114/6 भाग 114/4 भाग 114/3 भाग 115/1 भाग	0.0550 0.3100 0.0050 जी. पी. 0.0175 जी. पी. 0.0050 जी. पी. 0.0225 0.0850 0.1150 0.1700 0.1000 0.0275 0.0200 0.2250 0.0175 जी. पी. 0.3125 0.0125 जी. पी. 0.1250 0.0125 0.0350 0.1012 0.0262 0.0750 0.2025 0.0125 जी. पी. 0.0006 0.0475 0.0800 0.0100 0.0982
			कुल योग	2.3262
पूर्व गोदावरी	मखिनेटिपल्लि	मोरि	77 भाग 78/11 भाग 78/12 भाग 78/10 भाग 89 भाग 88/2 भाग 87/17 भाग	0.0416 जी. पी. 0.0482 0.0550 0.0850 0.1800 0.4014 0.0725
			कुल योग	0.8837

1	2	3	4	5
पूर्व गोदावरी	सखिनेटिपल्लि	अन्तरामुनिनंबा	173 भाग	0.0500 जी. पी.
			174 भाग	0.1400
			176 भाग	0.1450
			213 भाग	0.3600 जी पी.
				0.6950

[सं. एल.-14014/14/99-जी. पी.]

सुनील कुमार सिंह, अवसर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th November, 1999

S.O.3275.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Mori EPS to Dindi S.V. Station, Andhra Pradesh, a pipeline should be laid by the Gas Authority of India Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, K.G. Basin, Danvaipeti, Rajahmundry (Andhra Pradesh)

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Area to be acquired for ROU in hectare
1	2	3	4	5
East Godavari	Sakhinetipalli	Antarvedipalem	413-6 Part	0-1262
			413-7 „	0-0100
			414 „	0-1600
			415-4 „	0-0050
			421 „	0-2000
			420-4 „	0-1125
			419 „	0-1000
			431-1 „	0-1200
			431-2 „	0-1475
			430-1 „	0-0336
			430-2 „	0-0450
			432-2 „	0-0662
			433-2 „	0-1150
			433-1 „	0-0100 G.P.
			436-1 „	0-1025

1	2	3	4	5
East Godavari	Sakhinetipalli	Antervedipalem	436-2A Part	0-1850
			436-2B „	0-0875
			435-1 „	0-0750
			444-18 „	0-0225
			444-17 „	0-0875
			444-9 „	0-0766
			444-10 „	0-0550
			444-12 „	0-0032
			444-11 „	0-0275
			444-5 „	0-0012
			444-6 „	0-0550
			444-7 „	0-0200
			445 „	0-0225 G.P.
			484-1 „	0-0400
			484-2 „	0-0175
			484-3 „	0-0100
			482-4 „	0-2150
			481-1A	0-0875
			480-1A	0-2150
			476-2 „	0-1150
			476-3 „	0-0150
			478-2 „	0-0725
			478-4 „	0-0966
			478-5 „	0-0100
			465-2 „	0-1975
			465-3 „	0-0462
			466-1C „	0-0016
			466-1A2 „	0-0100
			466-1A1	0-1525
			466-1B „	0-0100
			TOTAL	3-3939
				or Ac. 8-39 Cts.
		Kesavadasupalem	147/2 Part	0-0550
			148/1B „	0-3100
			148/1A „	0-0050 G.P.
			144/ „	0-0175 G.P.
			142/1B „	0-0050 G.P.
			142/2A „	0-0225
			132/1 „	0-0850
			132/2 „	0-1150
			132/3 „	0-1700
			129/5 „	0-1000
			128/2 „	0-0275
			128/1 „	0-0200
			134 „	0-2250
			135 „	0-0175 G.P.
			125 „	0-3125
			122/6 „	0-0125 G.P.
			122/1 „	0-1250
			122/3 „	0-0125
			121/5 „	0-0350

1	2	3	4	5
East Godavari—Cont'd.	Sakhinetipalli Cont'd.	Kesavada Supalem	121/6 Part	0-1012
		—Cont'd.	121/7 ..	0-0262
			117/2 ..	0-0750
			117/3 ..	0-2025
			114/7 ..	0-0125 G.P.
			114/5 ..	0-0006
			114/6 ..	0-0475
			114/4 ..	0-0800
			114/3 ..	0-0100
			115/1 ..	0-0982
			TOTAL	2-3262
		Mori	77 Part	0-0416 G.P.
			78/11 Part	0-0482
			78/12 Part	0-0550
			78/10 Part	0-0850
			89 Part	0-1800
			88/2 Part	0-4014
			87/17 Part	0-0725
			TOTAL	0-8837
		Appanaramunilanka	173 Part	0-05-0 G.P.
			174 Part	0 14-0
			176 Part	0-14-5
			213 Part	0-36-0 G.P.
			Total	0-6950

[No. L-14014/14/99-G.P.]

S.K. SINGH, Under Secy.

नई दिल्ली, 8 नवम्बर, 1999

का. आ. 3276 :—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में मोरी ई. पी. एस. से झिन्डी एस. वी. स्टेशन तक पेट्रोलियम गैस के परिवहन के लिए एक पाइप लाइन गैस आर्थो-रिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए; और यह कि केन्द्रीय सरकार को प्रतीत होता है कि उक्त पाइप-लाइन बिछाने के प्रयोजन के लिए उस भूमि में जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना में उपावद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है,

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1961 का 50) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, राजपत्र में दया प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिवस के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपेक्ष, लिखित रूप में संक्षेप प्राधिकारी, गैस आर्थो-रिटी ऑफ इंडिया लिमिटेड, के. जी. वेसिन, दानवैपेट, राजमुन्दी (आन्ध्र प्रदेश) को कर सकेगा।

अनुसूची

जिला	तहसील/मंडल	ग्राम	सर्वेक्षण संख्या	प्रजनन हेतु क्षेत्र (हेक्टर में)
1	2	3	4	5
पूर्व गोदावरी	मलकिपुरम	रामराजूलंका	13 भाग	0.0125 जी. पि.
			15 भाग	0.2850
			19/1 भाग	0.1475
			19/2 भाग	0.0012
			19/3 भाग	0.0025
			19/4 भाग	0.0512
			25/1 भाग	0.0300
			25/2 भाग	0.0100
			25/3 भाग	0.0300
			25/6 भाग	0.0525
			25/7 भाग	0.0450
			25/9 भाग	0.0175
			25/11 भाग	0.1050
			25/13 भाग	0.1275
			34/1 भाग	0.0875
			34/2 भाग	0.2525
			34/3 भाग	0.0050
			32 भाग	0.1666
			31/7 भाग	0.0300
			31/8 भाग	0.0812
			119/1 भाग	0.0310
			119/5 भाग	0.0300
			119/6 भाग	0.0310
			119/9 भाग	0.0700
			120/3 भाग	0.0200
			120/4 भाग	0.0650
			120/5 भाग	0.0616
			120/3 भाग	0.0282
			121/1 भाग	0.0832
			121/2 भाग	0.0850
			121/3 भाग	0.0950
			111 भाग	0.0300 जी. पि.
			109 भाग	0.4325
			100 भाग	0.0150 जी. पि.
			307/4 भाग	0.2200
			308/ भाग	0.0150 जी. पि.
			309/4 भाग	0.0416
			314/1 भाग	0.2100
			314/2 भाग	0.0175
			315 भाग	0.2600
			312 भाग	0.0150 जी. पि.
			320 भाग	0.2775
			326 भाग	0.2275

1	2	3	4	5
पूर्व गोदावरी	मलिकपुरम	गमराजू लंका	327/1 भाग	0.0175
			327/2 भाग	0.0950
			318/भाग	0.0150 जी. पि.
			99/4भाग	0.0612
			99/3भाग	0.0462
			303 भाग	0.1875 जी. पि.
			300/14 भाग	0.0825
			299/ए भाग	0.0475 जी. पि.
			299/बी भाग	0.0125 जी. पि.
			298/बी भाग	0.0075 जी. पि.
			298/सी भाग	0.0100 जी. पि.
			कुल योग	4.4883
पूर्व गोदावरी	मलिकपुरम	मलिकपुरम	36 भाग	0.0400 जी. पि.
			9/5 भाग	0.0650
			9/12 भाग	0.0925
			9/13 डी भाग	0.1050
			9/13 ई भाग	0.0816
			9/14 भाग	0.0486 जी. पि.
			32 भाग	0.0375 जी. पि.
			32/2 बी भाग	0.0100 जी. पि.
			31/10/1 सी भाग	0.0282
			31/11 ए भाग	0.0100 जी. पि.
			31/11 बी भाग	0.0012 जी. पि.
			29/1 भाग	0.0125 जी. पि.
			29/2 भाग	0.0350
			29/3 भाग	0.0132
			29/7 भाग	0.0532
			27/1 भाग	0.0266 जी. पि.
			27/2 भाग	0.1250
			22/4 भाग	0.1500
			24/1 भाग	0.0812
			24/2 भाग	0.0150
			24/3 भाग	0.1250
			23/3 भाग	0.1425
			कुल योग	1.3088
पूर्व गोदावरी	मलिकपुरम	गुडिमल्लंका	735/2 ए भाग	0.0012
			735/2 बी भाग	0.0016 जी. पि.
			735/3 ए भाग	0.3600
			734/1 ए भाग	0.0650
			734/2 भाग	0.0700
			733/1 ए भाग	0.1150
			738/3 भाग	0.0212
			741/8 भाग	0.1400

1	2	3	4	5
पूर्व गोदावरी	पलकिपुरम	गुडिमल्लका	741/7 भाग	0.0882
			741/1 भाग	0.0925
			742/1 भाग	0.0225
			747/2 भाग	0.0312
			754/1 भाग	0.0900
			754/2 भाग	0.0762
			756 भाग	0.0616 जी. पि.
			760/5 भाग	0.0075
			760/7 भाग	0.1600
			72/2 भाग	0.2450
			71 भाग	0.0025
			66 भाग	0.0662 जी. पि.
			63/2 भाग	0.0900
			63/1ए भाग	0.0100 जी. पि.
			63/1 बी भाग	0.0116 जी. पि.
			61/2 भाग	0.0350
			61/3 भाग	0.0125
			61/4 भाग	0.0100
			61/5 भाग	0.0100
			61/6 भाग	0.0350
			61/7 भाग	0.1400
			61/8 भाग	0.0450
			61/9 भाग	0.1225
			58/2 भाग	0.0175
			58/6 भाग	0.0025
			58/7 भाग	0.0550
			58/8 भाग	0.0250
			58/10 भाग	10.0575
			58/9 भाग	0.0200
			60/5 भाग	0.3475
			60/6 भाग	0.0332
			60/7 भाग	0.0225
			60/11 भाग	0.0200
			60/12 भाग	0.0091
			60/13 भाग	0.0100
कुल योग			1.4551	

[सं. एग.—14014/14/99—जी. पी.]

मुनील कुमार सिंह, अवर सचिव

New Delhi, the 8th November, 1999

S.O. 3276.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Mori EPS to Dindi S.V. Station, Andhra Pradesh, a pipeline should be laid by the Gas Authority of India Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, K.G. Basin, Danvaipet, Rajahmundry (Andhra Pradesh).

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Area to be acquired for ROU in Hectare
1	2	3	4	5
East Godavari	Malkipuram	Rama Raju Lanka	13 Part	0-0125 (G.P.)
			15 "	0-2850
			19/1 "	0-1475
			19/2 "	0-0012
			19/3 "	0-0025
			19/4 "	0-0512
			25/1 "	0-0300
			25/2 "	0-0100
			25/3 "	0-0300
			25/6 "	0-0525
			25/7 "	0-0450
			25/9 "	0-0175
			25/11 "	0-1050
			25/13 "	0-1275
			34/1 "	0-0875
			34/2 "	0-2525
			34/3 "	0-0050
			32 "	0-1666
			31/7 "	0-0300
			31/8 "	0-0812
			119/1 "	0-0310
			119/5 "	0-0300
			119/6 "	0-0310
			119/9 "	0-0700
			120/3 "	0-0200
			120/4 "	0-0650
			120/5 "	0-0616
			120/6 "	0-0282
			121/1 "	0-0832
			121/2 "	0-0850
			121/3 "	0-0950
			111 "	0-0300 (G.P.)
			109 "	0-4325
			100 "	0-0150 (G.P.)
			307/4 "	0-2200
			308 "	0-0150 (G.P.)
			309/4 "	0-0416
			314/1 "	0-2100
			314/2 "	0-0175
			315 "	0-2600
			312 "	0-0150 (G.P.)
			320 "	0-2775
			326 "	0-2275

1	2	3	4	5
East Godavari	Malkipuram	Ramarajulanka	327/1 Part	0-0175
			327/2 „	0-0950
			318 „	0-0150 (G.P.)
			99/4 „	0-0612
			99/3 „	0-0462
			303 „	0-1875 (G.P.)
			300/14 „	0-0825
			299/A „	0-0475 (G.P.)
			299/B „	0-0125 (G.P.)
			298/B „	0-0075 (G.P.)
			298/C „	0-0100 (G.P.)
			TOTAL	4-4883
East Godavari	Malkipuram	Malkipuram	36 Part	0-0400 G.P.
			9-5 Part	0-0650
			9-12 „	0-0925
			9-13D „	0-1050
			9-13E „	0-816
			9-14 „	0-0486 G.P.
			32-Part	0-0375 G.P.
			31-2B „	0-0100 G.P.
			31-10/1C „	0-0282
			31-11A „	0-0100 G.P.
			31 11B „	0-0012 G.P.
			29-1 „	0-0125 G.P.
			29-2 „	0-0350
			29-3 „	0-0132
			29-7 „	0-0532
			27-1 „	0-0266 G.P.
			27-2 „	0-1250
			22-4 „	0-1500
			24-1 „	0 0812
			24-2 „	0-0150
			24-3 „	0-1250
			23-3 „	0-1425
			TOTAL	1-3088
East Godavari	Malkipuram	Gudimallanka	735/2A Part	0-0012
			735/2B Part	0-0016 G.P.
			735/3A „	0-3600
			734/1A „	0-0650
			734/2 „	0-0700
			733/1A Part	0-1150
			738/3 „	0-0212
			741/8 „	0-1400
			741/7 „	0-0882
			741/1 „	0-0925
			742/1 „	0-0225
			747/2 „	0-0312
			754/1 „	0-0900
			754/2 „	0-0762
			756 „	0-0616 G.P.
			760/5 „	0-0075

1	2	3	4	5
East Godavari	Malkapuram	Gudimallanka	60/7 Part	0-1650
			72/2A "	0-2450
			71 "	0-0025
			66 "	0-0662 G.P.
			63/2 "	0-0900
			63/1A Part	0-0100 G.P.
			63/1B "	0-0116 G.P.
			61/2 "	0-0350
			61/3 "	0-0125
			61/4 "	0-0100
			61/5 "	0-0100
			61/6 "	0-0350
			61/7 "	0-1400
			61/8 "	0-0450
			61/9 "	0-1225
			58/2 "	0-0175
			58/6 "	0-0025
			58/7 "	0-0550
			58/8 "	0-0250
			58/10 "	0-0575
			58/9 "	0-0200
			50/5 "	0-3475
			50/6 "	0-0332
			60/7 "	0-0225
			60/11 "	0-0200
			60/12 "	0-0091
			60/13 "	0-0100
			TOTAL	1-4551

[No. L-14014/14/99-G.P.]
S.K. SINGH, Under Secy.

नई दिल्ली, 8 नवम्बर, 1999

का.आ. 3277:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहिंसा में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में अडाबिपानियम से टाटीपाका तक पाइपलाइन से पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए,

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए उस भूमि में जिसमें उक्त पाइप लाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ।

अतः, अत्र केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम, 1962 (1961 का 50) की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ,

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता की उपलब्ध कराए जाने की तारीख से इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइप लाइन बिछाने के संबंध में आपेक्ष, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, के.जी. बेसीन, जैटई एक्व्यू दानावैट्टे, राजमुंद्री-533 103 (आन्ध्र प्रदेश) को कर सकेगा ।

अनुसूची

जिला	मंडल/तहसील	गांव	सर्वे नं.	उ. का. प्र. के. लिए अर्जित की जाने वाली भूमि हेक्टे. में
पूर्वी गोदावरी	मामिडिकुडुरु	नगरम	147-1 सी	0.0500
			149-1 बी 1 भाग	0.0010
			149-1 बी 2 भाग	0.1945
			149-2 ए भाग	0.0200
			149-2 बी भाग	0.0350
			कुल योग	0.3005

[सं. एल-14014/6/98-जी. पी.]

मुनील कुमार सिंह, अवर सचिव

New Delhi, the 8th November, 1999

S.O. 3277.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Adivapalam to Tatipaka in Andhra Pradesh a pipeline should be laid by the Gas Authority of India Ltd.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, K.G. Basin, Danvaipet, Rajahmundry (Andhra Pradesh).

SCHEDULE

Distt.	Mandal Tehsil	Village	Survey No.	Land to be acquired for F.O.U in Hect.
East Godavari	Mamidikuduru	Nagram	147-1C	0-0500
			149-1B1 Part	0-0010
			149-1B 2 Part	0-1945
			149-2A Part	0-0200
			149-2B Part	0-0350
			TOTAL	

[No. L-14014/6/98-G.P.]
S.K. SINGH, Under Secy.

नई दिल्ली, 8 नवम्बर, 1999

का.प्रा. 3278.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में अदिवपालेम से टाटीपाका तक पाइपलाइन से पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी आफ इंडिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए,

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए उक्त भूमि में जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार अर्जन करना आवश्यक है,

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में अपेक्षा, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी आफ इंडिया लिमिटेड, के. जी. नैसिन, जैटई, एच.यू. बानावैपेट, राजमुंद्री-533 103 (आन्ध्र प्रदेश) को कर सकेगा।

अनुसूची

जिला	मंडल/तहसील	गांव	सर्वे नं.	उ.का.प्र. के लिए अर्जित की जाने वाली भूमि हेक्टे में
पूर्वी गोवावरी	राजोल	कडाली	610-1 भाग	0.0450
			610-2 भाग	0.0225
			610-1 भाग	0.0875
			610-2 भाग	0.0800
			610-3 भाग	0.0750
			610-4 भाग	0.0350
			610-5 भाग	0.0225
			कुल योग	0.3875
		चिन्नसलापल्ली	253 भाग	0.0250
			241/4 भाग	0.1100
			244 भाग	0.1500
			कुल योग	0.2850

[सं. एल-14014/6/98-जी.पी.]

सुनील कुमार सिंह, अपर सचिव

New Delhi, the 8th November, 1999

S.O. 3278.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Adivapalam to Tatipaka in Andhra Pradesh a pipeline should be laid by the Gas Authority of India Ltd.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, K.G. Basin, Danvaipet, Rajahmundry (Andhra Pradesh)

SCHEDULE

Distt.	Mandal Tehsil	Village	Survey No.	Land to be Acquired for ROU in Hect.
1	2	3	4	5
East Godavari	Rozole	Kadali	610-1 Pt	0.0450
			610-2 Pt	0.0225
			619-1 Pt	0.0875
			619-2 Pt	0.0800
			619-3 Pt	0.0750
			619-4 Pt	0.0550
			619-5 Pt	0.0225
			Total	0.3875
	Chintalapalli	253 Part	0.0250	
		241/4 Part	0.1100	
		244 Part	0.1500	
Total		0.2850		

[No. L-14014/6/98-G.P.]

S. K. SINGH, Under Secy.

नई दिल्ली, 8 नवम्बर, 1999

का. आ. 3279.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 1201 तारीख 01-5-99 द्वारा उस अधिसूचना से उपावृद्ध अनुसूची में विनिर्दिष्ट भूमि में, आंड्रिवागलम-टाटीपाका पाइपलाइन परियोजना के माध्यम से पेट्रोलियम गैस के परिवहन हेतु गैस अर्थारिस्टी ओफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के आग्रह की घोषणा की थी,

और उक्त राजपत्र अधिसूचना की प्रतियां 17 मई, 1999 को जनता को उपलब्ध करा दी गई थी;
3206 GI/99—4.

और सशम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपायुक्त अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपायुक्त अनुसूची में विनिर्दिष्ट उक्त भूमि में पाश्चात्य विधान के प्रयोजन के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और यह कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निवेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए इस घोषणा के प्रकाशन की तारीख को सभी वित्तगतों से मुक्त होकर गैस अयॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

जिला	मंडल	गांव	सर्वे नं.	उ. का. अ के लिए अर्जित की जाने वाली भूमि हेक्टे. में	विवरण
1	2	3	4	5	6
ईस्ट गोदावरी	मामिडिकुंडुरु	नगरम	360 भाग	0.0400	जी. पी.
			359-2 भाग	0.1150	
			358-1 भाग	0.0600	
			358-2 भाग	0.0200	
			358-5 भाग	0.1450	
			357-1 भाग	0.0850	
			357-2 सी भाग	0.0100	
			357-3 भाग	0.0500	
			357-5 भाग	0.0900	
			357-6 भाग	0.0012	
			356-1 ए 1 भाग	0.0450	
			355-1 ए भाग	0.0008	
			355-2 ए भाग	0.0150	
			355-3 ए भाग	0.0300	
			352-1 भाग	0.1800	
			351-1 भाग	0.0850	
			350-1 बी भाग	0.0600	

1	2	3	4	5	6
ईस्ट गोदावरी	मामिडिकुडुरु	नगरम्	350-2 भाग	0.0450	
			348-1 भाग	0.1250	
			349-2 सी भाग	0.0250	
			349-2 ई भाग	0.0200	
			349-4 बी भाग	0.0225	
			349-4 सी भाग	0.0225	
			349-4डी भाग	9.0325	
			349-4 ई भाग	0.0400	
			349-5 बी भाग	0.0025	
			349-5 सी भाग	0.0400	
			348 भाग	0.0200 जी. पी.	
			347-4 भाग	0.0800	
			345 भाग	0.0050	
			344 भाग	0.1650	
			346-1 बी भाग	0.1100	
			346-1 सी भाग	0.2650	
			346-2 भाग	0.0725	
			346-3 भाग	0.0008	
			342 भाग	0.0300	
			340-1 ए भाग	0.0600	
			340-1 बी भाग	0.0300	
			340-1 सी भाग	0.0950	
			340-1 डी भाग	0.0150	
			340-3 भाग	0.0225	
			341-1 भाग	0.0016	
			335-2 ए भाग	0.0325	
			335-2 बी भाग	0.0500	
			335-2 सी भाग	0.0450	
			335-3 भाग	0.0150	
			335-7 ए भाग	0.0300	
			335-8 भाग	0.0600	
			335-9 भाग	0.0350	
			336-2 ए भाग	0.0225	
			336-2 बी भाग	0.1800	
			338-1 भाग	0.0025	

1	2	3	4	5	6
ईस्ट गोदावरी	मामिडिकुडुरु	नगरम	337 भाग	0.0032	जी. पी.
			119 भाग	0.0200	जी. पी.
			118-3 भाग	0.0037	
			118-4 भाग	0.0200	
			117-1 ए भाग	0.1050	
			117-1 बी भाग	0.1600	
			117-1 सी भाग	0.1200	
			117-2 भाग	0.0350	
			128-1 भाग	0.0100	
			130-1 भाग	0.0650	
			130-2 भाग	0.0150	जी. पी.
			131-1 भाग	0.0300	
			131-2 भाग	0.1350	
			131-4 ए भाग	0.0300	
			150 भाग	0.0400	जी. पी.
			148 5 ए 2 भाग	0.0400	जी. पी.
			148-6ए 1 ए भाग	0.1800	जी. पी.
			कुल योग	3.8633	
ईस्ट गोदावरी	मामिडिकुडुरु	गईडा	144 भाग	0.1000	
			कुल योग	0.1000	

[सं. एल.-14014/6/98—जी. पी.]

सुनील कुमार सिंह, प्रवर सचिव

New Delhi, the 8th November, 1999

S. O. 3279.—Whereas by notification of the Government of India, Ministry of Petroleum and Natural Gas S. O. 1201 dated 1st May, 1999 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962, (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule annexed to that notification for the purpose of laying pipeline for transport of Natural Gas from Adivapalem to Tatipaka in Andhra Pradesh State by the Gas Authority of India Limited;

And, whereas, copies of the said gazette notification were made available to the public from the 17th day of May, 1999;

And, whereas, the competent authority has under sub-section (1) of section 6 of the said Act, has submitted a report to the Central Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule annexed to this notification is hereby acquired for laying of pipeline :

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of that Act, the Central Government directs that the right of user in the said land shall instead of vesting in the Central Government, vests on this date of the publication of this declaration in the Gas Authority of India Limited, free from all encumbrances.

SCHEDULE

District	Mandal	Village	Survey Nos.	Land to be acquired for ROU in Hect.	Remarks
1	2	3	4	5	6
East Godavari	Mamidikuduru	Nagaram	360 Part	0-0400	G.P.
			359-2 „	0-1150	
			358-1 „	0-0600	
			358-2 „	0-0200	
			358-5 „	0-0450	
			357-1 „	0-0850	
			357-2 „	0-0100	
			357-3 „	0-0500	
			357-5 „	0-0900	
			357-6 „	0-0012	
			356-1A1 „	0-0450	
			355-1A „	0-0008	
			355-2A „	0-0150	
			355-3A „	0-0300	
			352-1 „	0-0800	
			351-1 „	0-0850	
			350-1B „	0-0600	
			350-2 „	0-0450	
			349-1 „	0-0250	
			349-2C „	0-0250	
			349-2E „	0-0200	
			349-4B „	0-0225	
			349-4C „	0-0225	
			349-4D „	0-0325	
			349-4E „	0-0400	
			349-5B „	0-0025	
			349-5C „	0-0400	
			348 „	0-0200	G.P.
			347-4 „	0-0800	
			345 „	0-0050	
			344 „	0-1650	

1	2	3	4	5	6
East Godavari	Mamidikuduru	Nagaram	346-1B Part	0-1100	
			346-1C „	0-2650	
			346-2 „	0-0725	
			346-3 „	0-0008	
			342 „	0-0300	
			340-1A „	0-0600	
			340-1B „	0-0300	
			340-1C „	0-0950	
			340-1D „	0-0150	
			340-3 „	0-0225	
			341-1 „	0-0016	
			335-2A „	0-0325	
			335-2B „	0-0500	
			335-2C „	0-0450	
			335-3 „	0-0150	
			335-7A „	0-0300	
			335-8 „	0-0600	
			335-9 „	0-0350	
			336-2A „	0-0225	
			336-2B „	0-1800	
			338-1 „	0-0025	
			337 „	0-0032 G.P.	
			119 „	0-0200 G.P.	
			118-3 „	0-0037	
			118-4 „	0-0200	
			117-1A „	0-1050	
			117-1B „	0-1600	
			117-1C „	0-1200	
			117-2 „	0-0350	
			128-1 „	0-0100	
			130-1 „	0-0650	
			130-2 „	0-0150 G.P.	
			131-1 „	0-0300	
			131-2 „	0-1350	
			131-4A „	0-0300	
			150 „	0-0400 G.P.	
			148-5A2 „	0 0400 G.P.	
			148-6A1A „	0-1800 G.P.	
			TOTAL	3-8633	
East Godavari	Mamidikuduru	Geddada	144 Part	0-1000	
			TOTAL	0-1000	

नई दिल्ली, 9 नवम्बर, 1999

का. आ. 3280.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाईप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ. 218 तारीख 20 जनवरी 1999 द्वारा मोटर स्प्रिट, उच्च कोटि किरोसिन तेल और उच्च वेग डीजल के भारत पेट्रोलियम कारपोरेशन लिमिटेड संस्थापन, केरल राज्य के इरिम्पनम कोचीन से तामिलनाडु राज्य में करूर तक परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी।

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 12.02.99 से 30-04-99 के बीच उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसारण में समक्ष अधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी हैं।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी दिव्वांगमों से मुक्त होकर पेट्रोनेट सी.सी.के.लिमिटेड में निहित होगा।

अनुसूची

राज्य - केरल
तालुका - अलुवा

जिला - एरनाकुलम

गाँव	सर्वेक्षण संख्या	क्षेत्र		
		हेक्टेयर	आरे	वर्गमीटर
(1)	(2)	(3)	(4)	(5)
(1) पाराकाडावु (खण्ड सं 5)	82/9	0	03	54
	83/4	0	03	29
	83/3	0	04	79
	83/2	0	04	73
	83/1	0	09	48
	83/11	0	00	07
	79/15	0	01	25
	79/16	0	01	26
	79/17	0	03	29
	79/8	0	07	14

(1)	(2)	(3)	(4)	(5)
	79/19	0	01	00
	79/20	0	02	43
	78/8	0	00	26
	78/9	0	11	05
	78/6	0	04	04
	78/11	0	01	35
	78/15	0	03	77
	78/14	0	00	08
	78/1	0	12	54
	78/2	0	03	32
	75/6	0	02	11
	75/5	0	04	13
	75/4	0	00	33
	75/3	0	12	04
	75/2	0	02	62
	75/1	0	08	38
	111/2	0	01	10
	111/1	0	02	39
	111/6	0	04	57
	111/7	0	05	51
	111/8	0	01	72
	112/5	0	02	56
	112/6	0	12	05
	112/7	0	02	28
	112/8	0	04	73
	112/13	0	02	50
	113/9	0	01	20
	113/10	0	16	27
	117/6	0	20	41
	117/3	0	06	32
	117/1	0	10	98
	117/2	0	00	73
	119/1	0	05	18
	122	0	03	38
	22/12	0	06	20
	22/9	0	00	52
	161/8	0	00	74
	161/4	0	02	18
	161/3	0	02	39
	161/2	0	02	65
	116/8	0	00	87
(2) पाराकाडावु (खण्ड सं 6)	503/1	0	08	46
	503/2	0	02	70

(1)	(2)	(3)	(4)	(5)
	503/3	0	03	70
	503/4	0	06	04
	503/5	0	01	77
	503/6	0	05	40
	503/8	0	04	86
	502/1	0	10	62
	501	0	05	49
	500	0	02	56
	499/1	0	02	54
	499/2	0	15	97
	498/2	0	06	00
	498/4	0	05	22
	498/8	0	13	57
	492/4	0	01	70
	492/5	0	05	11
	492/6	0	06	18
	492/8	0	03	78
	492/7	0	03	66
	492/3	0	02	45
	482/1	0	07	50
	482/4	0	12	12
	482/6	0	03	15
	482/8	0	08	60
	482/2	0	00	05
	458	0	00	94
	491/6	0	01	10
	491/7	0	02	18
	491/8	0	05	91
	491/12	0	00	82
	481/2	0	01	54
	481/4	0	02	86
	481/5	0	04	43
	481/6	0	01	17
	481/9	0	00	06
	459/4	0	06	22
	459/5	0	05	04
	459/7	0	05	55
	459/8	0	03	30
	459/15	0	01	53
	459/9	0	05	94
	457/3	0	01	24

(1)	(2)	(3)	(4)	(5)
	457/4	0	06	12
	457/5	0	00	21
	456/2	0	06	45
	456/13	0	04	61
	456/15	0	06	54
	456/16	0	01	44
	425/1	0	03	42
	427/1	0	03	70
	427/2	0	00	85
	427/4	0	01	76
	427/10	0	07	11
	427/12	0	04	43
	427/5	0	06	54
	427/6	0	02	10
	428/3	0	03	42
	428/4	0	03	20
	428/5	0	06	21
	429/1	0	00	40
	429/2	0	13	82
	429/3	0	00	62
	346/3	0	05	28
	346/6	0	04	32
	346/11	0	02	00
	346/13	0	02	03
	346/15	0	02	05
	346/16	0	06	66
	346/26	0	05	95
	346/17	0	01	62
	342/4	0	00	04
	342/2	0	02	77
	342/3	0	08	92
	342/7	0	01	80
	342/8	0	07	00
	343/1	0	00	19
	343/4	0	02	25
	358/12	0	01	41
	358/18	0	00	60
	358/8	0	05	00
	358/15	0	08	56
	339/7	0	03	90
	339/5	0	05	08

(1)	(2)	(3)	(4)	(5)
	339/9	0	04	63
	339/3	0	06	34
	338/14	0	02	40
	338/13	0	02	65
	338/12	0	03	30
	338/7	0	05	45
	338/6	0	01	00
	315/12	0	02	83
	315/11	0	00	65
	315/1	0	04	25
	309/1	0	00	22
	309/2	0	00	73
	309/3	0	00	45
	246/1	0	06	73
	246/2	0	02	21
	246/3	0	01	90
	246/4	0	01	90
	246/6	0	00	81
	247/1	0	16	67
	244/10	0	00	26
	249/15	0	07	27
	249/13	0	04	32
	249/21	0	00	79
	249/22	0	01	10
	250/1	0	05	09
	250/2	0	05	15
	250/3	0	03	59
	250/4	0	03	54
	250/5	0	01	50
	250/8	0	00	22
	422/2	0	08	29
	422/1	0	02	30
	430/23	0	00	53

तालुका - पायवुर

(3) कुतुकारा

668/8	0	11	55
669/1	0	04	11
669/3	0	12	25
669/2	0	34	24
672/2	0	09	80
671/6	0	14	55
680/4	0	02	14
680/5	0	13	42
682/1	0	18	38

[सं. आर.-31015/13/98-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 9th November, 1999

S.O. 3280.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O No. 218, Dated 20-01-99 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), (hereinafter referred to as said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Motor Spirit, Superior Kerosene Oil and High Speed Diesel from the Irimpanam installation of Bharat Petroleum Corporation Limited, Irimpanam, ~~Cochin~~ State of Kerala to Karur in the State of Tamil Nadu and a pipeline should be laid by M/s Petronet CCK Limited;

And, whereas, the copies of said Gazette notification has been made available to the public between 12-02-99 and 30-04-99;

And, whereas, the competent authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And, whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the schedule appended should be acquired;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declare that the right of user in the Land specified in the schedule appended to this notification are hereby acquired;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby direct that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in the Petronet CCK Limited.

SCHEDULE

STATE: KERALA

DISTRICT : ERNAKULAM

TALUK: ALUVA

VILLAGE	SURVEY NUMBERS	AREA		
		HECTARES	ARES	SQ.MTRS.
(1)	(2)	(3)	(4)	(5)
(1) PARAKKADAVU (BLOCK NO.5)	82/9	0	03	54
	83/4	0	03	29
	83/3	0	04	79
	83/2	0	04	73
	83/1	0	09	48
	83/11	0	00	07
	79/15	0	01	25
	79/16	0	01	26
	79/17	0	03	29
	79/8	0	07	14

(1)	(2)	(3)	(4)	(5)
	79/19	0	01	00
	79/20	0	02	43
	78/8	0	00	26
	78/9	0	11	05
	78/6	0	04	04
	78/11	0	01	35
	78/15	0	03	77
	78/14	0	00	08
	78/1	0	12	54
	78/2	0	03	32
	75/6	0	02	11
	75/5	0	04	13
	75/4	0	00	33
	75/3	0	12	04
	75/2	0	02	62
	75/1	0	08	38
	111/2	0	01	10
	111/1	0	02	39
	111/6	0	04	57
	111/7	0	05	51
	111/8	0	01	72
	112/5	0	02	56
	112/6	0	12	05
	112/7	0	02	28
	112/8	0	04	73
	112/13	0	02	50
	113/9	0	01	20
	113/10	0	16	27
	117/6	0	20	41
	117/3	0	06	32
	117/1	0	10	98
	117/2	0	00	73
	119/1	0	05	18
	122	0	03	38
	22/12	0	06	20
	22/9	0	00	52
	161/8	0	00	74
	161/4	0	02	18
	161/3	0	02	39
	161/2	0	02	65
	116/8	0	00	87
(2)	PARAKKADAVU (BLOCK NO. 6)			
	503/1	0	08	46
	503/2	0	02	70

(1)	(2)	(3)	(4)	(5)
	503/3	0	03	70
	503/4	0	06	04
	503/5	0	01	77
	503/6	0	05	40
	503/8	0	04	86
	502/1	0	10	62
	501	0	05	49
	500	0	02	56
	499/1	0	02	54
	499/2	0	15	97
	498/2	0	06	00
	498/4	0	05	22
	498/8	0	13	57
	492/4	0	01	70
	492/5	0	05	11
	492/6	0	06	18
	492/8	0	03	78
	492/7	0	03	66
	492/3	0	02	45
	482/1	0	07	50
	482/4	0	12	12
	482/6	0	03	15
	482/8	0	08	60
	482/2	0	00	05
	458	0	00	94
	491/6	0	01	10
	491/7	0	02	18
	491/8	0	05	91
	491/12	0	00	82
	481/2	0	01	54
	481/4	0	02	86
	481/5	0	04	43
	481/6	0	01	17
	481/9	0	00	06
	459/4	0	06	22
	459/5	0	05	04
	459/7	0	05	55
	459/8	0	03	30
	459/15	0	01	53
	459/9	0	05	94
	457/3	0	01	24

(1)	(2)	(3)	(4)	(5)
	457/4	0	06	12
	457/5	0	00	21
	456/2	0	06	45
	456/13	0	04	61
	456/15	0	06	54
	456/16	0	01	44
	425/1	0	03	42
	427/1	0	03	70
	427/2	0	00	85
	427/4	0	01	76
	427/10	0	07	11
	427/12	0	04	43
	427/5	0	06	54
	427/6	0	02	10
	428/3	0	03	42
	428/4	0	03	20
	428/5	0	06	21
	429/1	0	00	40
	429/2	0	13	82
	429/3	0	00	62
	346/3	0	05	28
	346/6	0	04	32
	346/11	0	02	00
	346/13	0	02	03
	346/15	0	02	05
	346/16	0	06	66
	346/26	0	05	95
	346/17	0	01	62
	342/4	0	00	04
	342/2	0	02	77
	342/3	0	08	92
	342/7	0	01	80
	342/8	0	07	00
	343/1	0	00	19
	343/4	0	02	25
	358/12	0	01	41
	358/18	0	00	60
	358/8	0	05	00
	358/15	0	08	56
	339/7	0	03	90
	339/5	0	05	08

(1)	(2)	(3)	(4)	(5)
	339/9	0	04	63
	339/3	0	06	34
	338/14	0	02	40
	338/13	0	02	65
	338/12	0	03	30
	338/7	0	05	45
	338/6	0	01	00
	315/12	0	02	83
	315/11	0	00	65
	315/1	0	04	25
	309/1	0	00	21
	309/2	0	00	73
	309/3	0	00	45
	246/1	0	06	73
	246/2	0	02	21
	246/3	0	01	90
	246/4	0	01	90
	246/6	0	00	81
	247/1	0	16	67
	244/10	0	00	26
	249/15	0	07	27
	249/13	0	04	32
	249/21	0	00	79
	249/22	0	01	10
	250/1	0	05	09
	250/2	0	05	15
	250/3	0	03	59
	250/4	0	03	54
	250/5	0	01	50
	250/8	0	00	22
	422/2	0	08	29
	422/1	0	02	30
	430/23	0	00	53

TALUK : PARAVUR

(3) KUNNUKARA	668/8	0	11	55
	669/1	0	04	11
	669/3	0	12	25
	669/2	0	34	24
	672/2	0	09	80
	671/6	0	14	55
	680/4	0	02	14
	680/5	0	13	42
	682/1	0	18	38

नई दिल्ली, 9 नवम्बर, 1999

का. आ. 3281.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाईप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ. 217 तारीख 20 जनवरी 1999 द्वारा मोटर स्प्रिट, उच्च कोटि किरोसिन तेल और उच्च वेग डीजल के भारत पेट्रोलियम कारपोरेशन लिमिटेड संस्थापन , केरल राज्य के इरिम्पनम कोचीन से तामिलनाडु राज्य में करूर तक परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी।

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 12.02.99 से 30-04-99 के बीच उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसारण में समक्ष प्रधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी हैं।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए.

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी दिल्लगमों से मुक्त होकर पेट्रोनेट सी.सी.के.लिमिटेड में निहित होगा।

अनुसूची

राज्य - केरल

जिला - त्रिशूर

तालुका - मुकुन्दपुरम

गाँव	सर्वेक्षण संख्या	क्षेत्र		
		हेक्टेयर	आरे	वर्गमीटर
(1)	(2)	(3)	(4)	(5)
(1) परिज्जारे चालक्कुटी				
	284	0	02	00
	272	0	07	20
	282	0	26	00
	280	0	12	02
	254	0	11	07
	256	0	08	40
	247	0	08	28
	218	0	01	51
	219	0	05	18
	217	0	17	66
	216/2	0	19	74
	215	0	04	62
	211/2	0	19	03
	210	0	06	18
	209/3	0	12	81
	45	0	08	21
	44	0	02	69
	43/1	0	15	51
	248	0	09	41

(1)	(2)	(3)	(4)	(5)
(2) परम्पूक्करा	52/1	0	00	40
(3) तोरव	236/2	0	10	60
	236/1	0	00	60
	237	0	00	50
	238	0	00	25
	239	0	02	35
	241	0	02	43
	242	0	13	00
	243	0	04	30
	258	0	09	80
	256	0	06	50
	255	0	07	50
	254/2	0	04	90
	254/1	0	00	56
	253/1	0	04	60
	253/2	0	00	20
	252	0	08	70
	316/3	0	01	30
	320/4	0	02	40
	334	0	14	40
	333	0	04	36
	359	0	15	64
	383	0	06	60
	382/1	0	15	30
	409	0	07	54
	406	0	15	30
	405/1,3	0	14	22
	403	0	03	24
	400/1	0	07	20
	399/1	0	09	23
	397/2,4,6	0	05	16
	429/2,4	0	04	96
	430/10,8,9	0	34	51
(4) नैन्मनियकरा	445/2	0	09	50
	464/1	0	16	20
	465/1	0	18	30
	467	0	00	50
	440/1	0	09	00
	466	0	00	75
	468	0	13	00
	471	0	02	40
	472	0	00	60
	475	0	04	80
	474	0	05	42
	476	0	01	60

(1)	(2)	(3)	(4)	(5)
	478	0	00	40
	479/1	0	09	69
	479/3	0	10	10
	508	0	03	46
	506	0	24	00
	842	0	14	40
	843/1	0	18	48
	844	0	02	00
	860	0	09	92
	859	0	07	20
	857	0	01	25
	856	0	19	75
	943/1	0	04	00
	943/2	0	01	66
	944	0	02	80
	952	0	00	40
	510	0	00	28
	953	0	15	00
	1070/1	0	07	00
	1070/2	0	09	00
	1070/4	0	00	85
	1070/5	0	08	00
	1071	0	07	12
	1078	0	00	93
	1079	0	15	72
	1052	0	13	50
	1051	0	13	83
	1049	0	06	50
	1050	0	01	00
	1047	0	05	70
	1021	0	04	50
	1020	0	01	29
	1022	0	16	20

[सं. आर.-31015/11/98-ओ.आर.-II]

हरीश कुमार, अवर सचिव

New Delhi, the 9th November, 1999

S.O. 3281.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O No. 217, Dated 20-01-99 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), (hereinafter referred to as said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Motor Spirit, Superior Kerosene Oil and High Speed Diesel from the Irimpanam installation of Bharat Petroleum Corporation Limited, Irimpanam, Cochin, State of Kerala to Karur in the State of Tamil Nadu and a pipeline should be laid by M/s Petronet CCK Limited;

And, whereas, the copies of said Gazette notification has been made available to the public between 12-02-99 and 30-04-99;

And, whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And, whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the schedule appended, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the schedule appended to this notification are hereby acquired;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in the Petronet CCK Limited.

SCHEDULE

STATE: KERALA

DISTRICT : THRISSUR

TALUK: MUKUNDAPURAM

VILLAGE	SURVEY NUMBERS	HECTARES	AREA ARES	SQ.MTRS.
(1)	(2)	(3)	(4)	(5)
(1) PADINJARE CHALAKKUDY	284	0	02	00
	272	0	07	20
	282	0	26	00
	280	0	12	02
	254	0	11	07
	256	0	08	40
	247	0	08	28
	218	0	01	51
	219	0	05	18
	217	0	17	66
	216/2	0	19	74

(1)	(2)	(3)	(4)	(5)
	215	0	04	62
	211/2	0	19	03
	210	0	06	18
	209/3	0	12	81
	45	0	08	21
	44	0	02	69
	43/1	0	15	51
	248	0	09	41
(2) PARAPPUKKARA	52/1	0	00	40
(3) THORAVA	236/2	0	10	60
	236/1	0	00	60
	237	0	00	50
	238	0	00	25
	239	0	02	35
	241	0	02	43
	242	0	13	00
	243	0	04	30
	258	0	09	80
	256	0	06	50
	255	0	07	50
	254/2	0	04	90
	254/1	0	00	56
	253/1	0	04	60
	253/2	0	00	20
	252	0	08	70
	316/3	0	01	30
	320/4	0	02	40
	334	0	14	40
	333	0	04	36
	359	0	15	64
	383	0	06	60
	382/1	0	15	30
	409	0	07	54
	406	0	15	30
	405/1,3	0	14	22
	403	0	03	24
	400/1	0	07	20
	399/1	0	09	23
	397/2,4,6	0	05	16
	429/2,4	0	04	96
	430/10,8,9	0	34	51

(1)	(2)	(3)	(4)	(5)
(4) NENMANIKKARA	445/2	0	09	50
	464/1	0	16	20
	465/1	0	18	30
	467	0	00	50
	440/1	0	09	00
	466	0	00	75
	468	0	13	00
	471	0	02	40
	472	0	00	60
	475	0	04	80
	474	0	05	42
	476	0	01	60
	478	0	00	40
	479/1	0	09	69
	479/3	0	10	10
	508	0	03	46
	506	0	24	00
	842	0	14	40
	843/1	0	18	48
	844	0	02	00
	860	0	09	92
	859	0	07	20
	857	0	01	25
	856	0	19	75
	943/1	0	04	00
	943/2	0	01	66
	944	0	02	80
	952	0	00	40
	510	0	00	28
	953	0	15	00
	1070/1	0	07	00
	1070/2	0	09	00
	1070/4	0	00	85
	1070/5	0	08	00
	1071	0	07	12
	1078	0	00	93
	1079	0	15	72
	1052	0	13	50
	1051	0	13	83
	1049	0	06	50
	1050	0	01	00
	1047	0	05	70
	1021	0	04	50
	1020	0	01	29
	1022	0	16	20

[F. No. R-31015/13/98-OR-II]
HARISH KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 14 अक्टूबर, 1999

का. आ. 3282 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-99 को प्राप्त हुआ था।

[सं. एल.-12012/272/97-आई और (बी-II)]
सी. गंगाधरन, प्रवर सचिव

MINISTRY OF LABOUR

New Delhi, the 14th October, 1999

S.O. 3282.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 13-10-99.

[No. L-12012/272/97-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

PRESIDING OFFICER : SHRI D. N. DIXIT

CASE NO. CGIT/LC/R/41/92

Shri D. N. Singh,
C/o Shri Lal Vasudev,
House No. 2,
Near PWD, Bela Anubhag,
PO Rewa city,
Rewa (MP)

Applicant

Versus

The Regional Manager,
Bank of Baroda,
Jeewan Bima Marg,
Raipur (MP)

Non-applicant

AWARD

Delivered on the 21st day of September, 1999

1. The Government of India, Ministry of Labour vide order No. L-12012/272/97-IR(B-II) has referred the following dispute for adjudication by this tribunal—

"Whether the action of the Management of Bank of Baroda in terminating the services of Shri D. N. Singh, clerk/cashier is justified? If not, what relief the workman concerned is entitled to?"

2. The admitted facts of the case are that workman Devendra Nath Singh was working as clerk-cum-cashier in the Bank of Baroda at Katni in the year 85 & 86. A chargesheet was issued to the workman on 23-1-86 alleging that he has taken loan from the Bank for purchase of house hold goods and he did not purchased these goods. The workman misbehaved with Shri Gillani on 27-6-85 and talked in a rough manner. On 3-7-85, the workman has refused to make entry in the Account of Shri Jeetendra Kumar, a customer. 3206 GI/99—9.

3. On 3-1-87, a 2nd chargesheet stating that on 8-5-86, the workman handed over the cash balance to Head Cashier and there was a shortage of Rs. 80/-. The workman refused to stay till the cash was counted and tallied. On 7-5-86, the workman misbehaved with Shri S. K. Jain, a customer.

4. The case of the workman is that the management was annoyed with him because he was an active worker of the trade union and always objected whenever the management becomes unfair to the employees. The workman was placed under suspension on 30-6-86. In the DE, the workman was not given fair opportunity to defend himself. Copies of documents were not given to him. The customers Shri S. K. Gillani and Shri S. K. Jain were not examined in the enquiry. The Enquiry Officer submitted his report and found the workman guilty of the charges. The disciplinary Authority dismissed the workman by order dated 31-8-88. The misconduct proved against the workman is not grave enough to call for the punishment of termination of service. The workman prays that the order dated 31-8-88 be quashed and he be paid wages and allowances from this date.

5. The case of the management is that the workman is an Ex-Servicemen when he joined service on 8-4-81. A personal loan of Rs. 5890/- was sanctioned to the workman for the purchase of following items—

1. Steel Almirah
2. Sofa Set with 2 side chairs
3. Dining set with 8 chairs
4. Double bed

6. On physical verification, it was found that the workman has not purchased these items and he has submitted false bills of Rs. 5890/- and cheated the management.

7. On 27-6-85, the workman misbehaved with the customer Shri S. K. Gillani and disobeyed the orders of the Branch Manager to complete the pass book of Shri Gillani. On 3-7-85, the workman refused to make entry in the Account of Sh. Jeetendra Kumar. A chargesheet dt. 23-1-86 was given to the workman on 3-7-1987 a second charge sheet was given to him. The workman denied both the chargesheets and faced the enquiry. In both the enquiries, the workman was assisted by co-worker and all this papers were supplied to the workman. In both the enquiries, workman was found guilty of the charges and enquiry report was submitted. A show cause notice was given to the workman on 9-7-1988 about the punishment. The services of the workman were terminated from 21-8-1988 by the Disciplinary Authority. The workman preferred an appeal which was dismissed by the Appellate Authority.

8. The misconduct committed by the workman is of serious nature. The punishment of dismissal is adequate. The management seeks that it has acted in a bonafide manner and according to principles of natural justice, the punishment given to the workman is in proportion to the misconduct committed by him.

9. This court vide order dated 2-4-96 has found that Enquiry conducted against the workman is legal, proper and valid. Now only the question of perversity of findings and quantum of punishment is to be considered.

10. The workman was sanctioned a loan of Rs. 5890 for purchase of house hold goods. The workman submitted the bills and received the money. When the Bank demanded the inspection of the articles, he could not show the articles purchased by him. The workman tried to trick the Inspection party and taken them to the house of Dr. Kundeshwar Singh but in the house also, the articles purchased by the workman were not present. The outcome of surprise inspection is that the workman has produced bogus bills and misutilised the personal loan. The contention of the workman is that he has repaid the personal loan hence the charge of misutilisation is not proved. I do not agree with the arguments of the workman. He was required to purchase the furniture as mentioned in para-5 above. This the workman has not done. Thus the management has proved that the workman has misutilised personal loan. This is a breach of service condition.

11. Shri R. K. Sahani had stated in the enquiry that a customer by name of Shri Gillani gave written complaint that the workman talked to him in rude language. His statement was confirmed by the statement of Shri G. Narish. From the statement of these 2 witnesses, it is proved that the workman rude language to Shri Gillani, a customer and did not obey the Bank Manager.

12. On 3-7-1985, again the workman behaved in a rude manner with Shri Jeetendra Kumar, customer and he reported the matter to Bank Manager Shri R. K. Sahani. In the enquiry, Shri R. K. Sahani has stated this fact and he has been cross-examined by the co-worker of the workman. The Manager has been supported by Shri M. F. Hussaini who also have been cross-examined by the co-worker of the workman. The management proved that the workman has misbehaved with Shri Jeetendra Kumar, a customer of the Bank.

13. The management has established that the workman was rude to the customers and disobeyed the orders of the Bank Manager. Thus he has committed misconduct.

14. In respect of Chargesheet dated 3-1-87, the management has examined Shri S. N. Jha who stated that the actual cash and the statement were different. The workman has handed him Rs. 80 less. He has been cross-examined by the co-worker at length. The management has proved that the workman was asked to be present when the cash was counted and he disobeyed the orders. The shortage of Rs. 80 was detected but the workman did not tried to explain it. This again proves that the workman was arrogant and he was not sincere & committed to his job.

15. The activities of the workman has proved by the evidence led by the management clearly show that he was not loyal to his job. He was rude, arrogant and unreliable. Such a person cannot be retained in the service of the Bank. The punishment of termination of service is proper and in proportion to the misconduct committed by the workman.

16. The workman has no case. The approach of the management has been fair and proper. The award is given in favour of the management. Parties to bear their own cost.

17. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1999

का. प्र. 3283 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, झगड़ा में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, है, जो केन्द्रीय सरकार को 13-10-99 को प्राप्त हुआ था।

[सं. एल.-12012/358/92—आई आर (बी. II)]

सी. गंगधरन, अवर सचिव

New Delhi, the 14th October, 1999

S.O. 3283.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 13-10-1999.

[No. I-12012/358/92-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Presiding Officer: Shri D. N. Dixit.

Case No. CGIT/LC/R/53/93

Deputy General Secretary,

Union of the Maharashtra

Bank employees,

Hanuman Mandir Gali,

Yadav Colony,

Jabalpur.

.... Applicant

Versus

The Assistant General Manager,

Industrial Relation

Bank of Maharashtra

Central Office,

1501,

Shivaji Nagar,

Pune.

.... Non-applicant

AWARD

Delivered on this 22nd day of September, 1999

1. The Government of India, Ministry of Labour, vide order No. L-12012/358/92-IR(B-II) dated 5-3-93 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management of Bank of Maharashtra in not promoting Shri Ratnakar Sonkusale to officer grade is justified? If not, what relief the concerned workmen is entitled to?"

2. The case of the Union is that there is a biparty agreement between the representative Unions and the management dated 29-7-89 in respect of promotion from clerical cadre to officer cadre. In this agreement in para-12.2, it has been settled that number of 10% of the vacancies will be in the waiting list. In the year 1987, the vacancies from the cadre of ST for promotion were 29. Thus the management had to declare a waiting list of 3 persons in this category. If the person selected in ST category did not accept the promotion, it was to be filled by the persons in the waiting list. The management did not prepare the waiting list in the ST category in the year 87. Out of 29 people selected in the ST category in the year 87, 3 people refused to accept the promotion. Thus there was 3 vacancies in the ST category in the year 1987. These vacancies were not filled because the management has not prepared the waiting list contrary to the biparty agreement. According to criteria of selection, the Waiting List for 87 should have contained name of Shri N. N. Burde, Shri S. K. Walke and Shri J. R. Sawale. As management followed the bi-party agreement, these 3 persons would have been promoted in the year 1987 in the ST category.

3. The further contention of the Union is that in the year 91, again in the promotion process from clerical cadre to officer cadre in the ST category, 26 posts were to be filled up. As per rules, list of 27 candidates was prepared. Waiting List was also prepared. In the list, Shri N. N. Burde and Shri J. R. Sawale were also shown in the list of selected candidates. These 2 people should have got promotion in the year 1987 if the management had prepared the Waiting List. Thus these two people would not have been in list for the vacancies in the year 1991. For the year 1991, in the Waiting List first position was that of Shri Ratnakar Sonkusale. If these two people would have been promoted in the year 1987, the workman Shri Ratnakar Sonkusale would have come in the list of selected candidates for the year 1991.

4. The contention of the Union is that in the selection process, for promotion from clerical to officer cadre in respect of ST category, for year 1991 the name of Shri

Ratnakar Sonkusale was considered. 20 marks were reserved for confidential report. This report was recorded by an officer with whom Shri Ratnakar Sonkusale has worked only for 4-6 days. Thus the assessment of this officer in respect of Shri Ratnakar Sonkusale was not fair. As a consequence Shri Ratnakar Sonkusale got less marks in the competitive assessment and was placed in the Waiting List. As these assessment been proper, Shri Ratnakar Sonkusale would have been in the list of successful candidates in the year 1991.

5. The Union prays that Shri Ratnakar Sonkusale be declared to have been promoted in the year 91 and he be given all the benefits and wages from 1991.

6. The case of the management is that the demand of the Union is baseless and without any merit. The Union is trying to bring a false case for promotion of Shri Ratnakar Sonkusale from the year 1991. Shri Burde was never selected in the year 1987. He has not raised an industrial dispute about promotion from the year 1987. The contention of the Union is false that in the year 1987, 3 selected employees refused to accept the promotion in the officer grade. In the year 87, all the post in the ST category were filled by promotion and there was no vacancy hence there was no need to take any one from the Waiting List. The claim of the Union is without any substance because in 87, there was no vacancy to promote Shri Burde. Shri Burde has been selected only in 1991. The contention of the Union about confidential report of Shri Ratnakar Sonkusale in year 91 is false and exaggerated. The Union is trying to create a hill out of a mole and given imaginary facts and logic.

7. According to management, the biparty settlement in para 11.1 states that the final list of candidates who appear for interview shall be prepared after ranking them according to the aggregate marks obtained by each candidates under the heads—written test, educational qualification, service, confidential report and interview. The said para further states that the marks allotted under the heads confidential reports and interview shall not be separately informed. The contention of the management is that the claim of the Union is a fabrication and the circumstances shown in the statement of claim did not exist. The management wants the award in its favour.

8. Shri Ratnakar Sonkusale has been promoted as officer in the year 1996.

9. The Union has examined Shri Ratnakar Sonkusale who stated in his affidavit in para 3 that Confidential report was given by the Branch Manager with whom he has worked only for 4-6 days in the year 1991.

10. The Union assessed that in the promotion test for the year 1987, in the ST category, 3 employees refused the promotion. There must be documents to show that these people has refused the promotion. The Union could have examined these 3 people in the court to prove that they have refused promotion in the year 1987. There is nothing on record to establish that 3 selected candidates in the SC category in the year 1987 refused promotion in the officer cadre. When this is not proved, the point that people from the Waiting List would have been taken in the 3 vacancies in the year 1987 does not arise. The contention of the Union that Shri N. N. Burde would have been promoted in the year 1987 is not established. The further corollary that Shri N. N. Burde would not have appeared in the list of selected employees for the year 1991 is not established. Shri Ratnakar Sonkusale should have been taken from Waiting List to Promotion List in the year 1991 is further fall's flat. The reasoning advanced by the Union is not supported by documentary or oral evidence.

11. The 2nd contention of the Union is that in the selection process of 1991, Shri Ratnakar Sonkusale was given less marks in the Confidential Report and interview hence he was not in the list of selected candidates but was in the Waiting List. The Union demanded the Confidential reports for Shri Ratnakar Sonkusale and marks in the interview given to Shri Ratnakar. This was not supplied because of para 11.1 of the biparty settlement dated 29-7-87. I think the management is right in not producing the confidential report and marks of interview of Shri Ratnakar Sonkusale.

12. Every candidate who is in the Waiting List in every selection process gives the same reasoning which the Union is giving in the present case. There is no basis for the Union to say that there was any foul play in giving marks on the bad Confidential Report and interview in the selection process of 1991 to Shri Ratnakar Sonkusale.

13. The confidential Report is the assessment of work performance, punctuality, behaviour of the employee appearing for the promotion. This assessment is to be done by the Assessing Authority on the basis of his best judgement. Union cannot challenge the said assessment. The allegations made against the assessing Authority are false, frivolous and baseless. The allegation of the Union against the branch Manager does not have any merit.

14. The interview is based on the assessment and personality, knowledge of General Banking, knowledge of commercial laws and approach of the candidate before the interview committee. The interview committee awards mark. There cannot be any prejudice against Shri Ratnakar Sonkusale as alleged by the Union. Thus the Union has no basis to challenge the confidential report and marks in the interview.

15. The Union has no case. The entire statement of claim was based on surmises and imaginary happenings. Without any foundation, the Union has raised the present dispute. The contention of the Union is far from truth and is hereby rejected. The award is given in favour of the management. Parties to bear their own cost.

16. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1999

का. घा. 3284 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अधिनियम के तहत के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-99 को प्राप्त हुआ था।

[सं. एल-17012/33/89-आईआर (बी-II)]

सा. गंगाधरण, अधिवक्ता

New Dehi, the 14th October, 1999

B.G. 3284.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workman, which was received by the Central Government on 13-10-1999.

[No. L-17012/33/89-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC/R/144/90

Presiding Officer: Smt D. N. Dixit.

Prem Narayan Chawda,
Through President
National Life Insurance
Employees Association,
Raipur.

Applicant

Versus

Life Insurance Corporation
of India through
its Sr. Divisional Manager,
Raipur.

.... Non-applicant

AWARD

Delivered on this 1st day of October, 1999

1. The Government of India, Ministry of Labour vide order No. L-1/012/33/89-IRD-1 dated 24-5-90 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management of Sr. Divisional Manager, Life Insurance Corporation of India, Raipur in denying the promotion to Shri Prem Narayan Chawda, peon from the year 1982 after passing the departmental test for the post of Record clerk in the year 1981 is justified? If not, what relief the workman is entitled to?"

The case of the workman Shri Prem Narayan Chawda is that he was appointed as a peon in the year 1973 and confirmed in his post. He has passed a departmental test for the post of record clerk in the year 1981. In the interview he appeared for the years 1982 to 1987. The management did not promote him in these years. He appeared in the interview in the year 1988 but was not promoted. He has not been called for interview in the year 1989. The performance of the workman was satisfactory and good yet he has not been promoted. The workman claims promotion as record clerk from the year 1981 and the consequential monetary benefits.

3. The case of the management is that the workman appeared for interview in the years 1982, 83 and 84 but he was not found suitable for promotion by the promotion committee. On account of his below average work record during the years 1985, 86, 87, 88 & 89, he was not called for interview for promotion. The performance of the workman was unsatisfactory and various officials of the management has recorded the annual assessment regarding the workman. In the year 1980, he was found guilty and his two increments were withheld. In appeal one increment was withheld permanently. From time to time various memos were given to workman to improve but he failed to come up to the expectation. The workman has been promoted as record clerk from 4-3-1992. Workman cannot be promoted from the year 1981 as record clerk.

4. In the present case, the argument advanced on behalf of the workman has not been raised in the statement of claim dated 8-6-90 thus a different stand than statement of claim cannot be considered at the time of final argument. Particularly this is in relation to the arguments that the adverse entries were not communicated to the workman as this has not been the stand of the workman in statement of claim. It cannot be considered. The rules of pleading are very clear and the management cannot be taken by surprise.

5. Exhibit M-2 is the Life Insurance Corporation of India (Promotion Regulations) 1976. In clause 7, the criteria of selection has been given:

- (a) Seniority
- (b) Qualification
- (c) Confidential Report (Work Record) &
- (d) Interview

Clause 8(i) states that there shall be prepared a channel of all eligible employees in the order of total marks on account of (a) seniority (b) qualifications and (c) confidential report. Out of this panel, candidates in the order of merit equal to not more than five times the number of vacancies may be called for interview by the promotion committee.

6. Thus the workman was qualified in the year 1987 for promotion to the clerical cadre and he was senior for such selection. But this is step No. 1. Step No. 2 is that according to performance he should be called in future. Step No. 3

is that his Confidential Report and marks in the interview should place him in the promotion list.

7. The workman in his affidavit has stated that he was called for interview from the year 1982 to 1987. As against this, the management admits that he was called for interview in the years 82, 83 and 84. The dispute between the management and the workman is whether the workman was called for interview in the years 85, 86, 87, 88 & 89. The workman knew that the management is asserting that he was not called for interview for 5 years from 85 to 89. In spite of it, he has filed no documentary evidence to show that he appeared in the interview test of the promotion committee in the years 85, 86, 87, 88 & 89. I hold that the workman was not called for interview by the promotion committee in the years 85, 86, 87, 88 & 89.

8. The management has filed the original confidential reports of the workman from the years 75 to 91. This is exhibit M-6. The grading of workman in these confidential reports are as follows:

1980	—	Average
1981	—	Not fit for promotion
1982	—	Adverse
1983	—	Very Poor
1984	—	Good
1985	—	Outstanding
1986	—	Fair
1987	—	Outstanding
1988	—	Adverse
1989	—	Average
1990	—	Very Good

I would like to point out that in the years '87 & 88, the reporting officer and the Reviewing Officer were same set of gentleman. Yet in 87, both of them have given outstanding category to the workman and the same set of officers in the year 1988 has recorded that he is reluctant worker.

9. The performance of the workman from the year 1980 to the year 1990 is highly fluctuating. The Confidential records has been recorded by different Reporting Officer and Reviewing Officer for different years, it has been found that the performance of workman in the years 1980, 81 & 82 was poor. Particularly in the year 81, it has been recorded that he is not fit for promotion. As such he has rightly been not promoted in the year 82. Again in the year 83, the performance of the workman was very poor hence he has rightly been rejected by the promotion committee for the year 83-84. Thus the management is justified in not promoting the workman in the years 82, 83, 84.

10. The workman has not been found fit for interview in the years 85, 86, 87, 88 and 89. This again is based on record. The attendance record of the workman for this period was highly unsatisfactory. This record is Exhibit M-20. It has given in detail every leave taken by the workman. On 23-9-87, it was found that he has remained absent for 436 days after exhausting all types of leave due to him. Thus from the record of the management, it has been proved that the workman was in the habit of remaining absent for long durations. As such he was not called for interview in the years 85 to 89. The management is justified in not calling him for interview from 85 to 89.

11. The workman cannot get promotion to the post of record clerk from the years 82 to 89. This is the period covered by the present statement of claim. The workman has tried to impress that since he passed the written test in the year 81, on the basis of this test, he should be promoted. As stated above, the correct position is not so. The written test only makes him eligible to face the promotion committee. This argument is without any merit and hence rejected.

12. I hold that workman has not been given promotion because he could not succeed in the interview for the years 82, 83, 84 and as per record, he could not be called for interview in the years 85 to 89. The action of the manage-

ment is as per rules, legal and according to principles of natural justice. The performance of the workman as shown in the ACRs hardly makes him eligible for promotion during these years. The assessment of the management in respect of workman is correct and justified. The workman has no case. The award is given in favour of the management. Parties to bear their own cost.

13. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1999

का. अ. 3285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-99 प्राप्त हुआ था।

[सं. एल.-12012/148/95-आई आर (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 14th October, 1999

S.O. 3285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 13-10-99.

[No. L-12012/148/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 20 of 1996

PARTIES :

Employers in relation to the management of Central Bank of India,

AND

Their Workmen

PRESENT:

Mr. Justice A. K. Chakraverty, Presiding Officer.

APPEARANCE :

On behalf of Management.—Mr. S. K. Gupta Bhaya, Assistant Regional Manager of the Bank.

On behalf of Workmen.—Mr. D. K. Chatterjee, General Secretary of the Union

STATE : West Bengal. INDUSTRY : Banking.

AWARD

By Order No. L-12012/148/95-IR(B-II) dated 5-7-1996 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Bank of India, South Regional Office, Calcutta in not regularising the services of Shri Kestodhan Naskar, Part-time Water Boy/Casual Worker working in the Picnic Garden Branch is justified and legal? if not, to what relief is the said workman entitled?”

2. Central Bank of India Employees' Congress (in short the union) has raised this industrial dispute against the Central Bank of India, South Regional Office, Calcutta (in short the Bank) for not regularising the service of Kestodhan Naskar part-time Water Boy/Casual Worker in its Picnic Garden Branch.

3. Union's case, in short, is that the concerned workman Kestodhan Naskar has worked for more than 240 days in every calendar year from 17-8-1984 to 31-1-92. His remuneration was Rs. 10 per day from 17-8-1984 to 6-8-1991 and from 7-8-1991 he was paid Rs. 15 per day. The union has made a date-wise calculation of the days of work of the concerned workman from 1984 to 1992 and on that basis it is stated that he worked for 259 days in the year 1984 and 307 days each in every year from 1985 to 1992. As per industry-wise bipartite settlement of 19-10-1964 the management was to absorb casual part-time workers at the time of recruitment of sub-staff-safai karamchari. The Central Office circular dated 15-10-1981 also prescribes absorption in service in case of casual workman who had worked for 240 days or above within a period of one year. Management in its circular dated 16-9-1991 directed the branches to prepare a list of candidates who had worked therefor 240, 180 and 60 days. The name of the concerned workman, however, was not considered though he had completed more than 240 days of service in a calendar year. Management has also been alleged to have violated paragraphs 495, 522(4) and (5) of the Sastri Award by not appointing the concerned workman, nor paying him at par with the regular Class-IV staffs of the Bank. It is alleged that the management violated the provisions of Section 25F and 25H of the Industrial Disputes Act, 1947 in respect of the concerned workman who used to be engaged as a Peon, as and when required, purely on temporary basis. It is also alleged that the concerned workman shall not only be entitled to absorption, but shall be entitled to same pay and allowances as regular employee in the same cadre. Union has also alleged that the management has withheld the result of the examination dated 22-10-1991 in respect of the concerned workman.

4. The management of the Central Bank of India filed a written statement alleging, inter alia, that the nature of the banking service is strictly regulated by the laws and regulations and it is only in rare cases that casual/temporary workers are engaged as substitute for regular employees in extra-ordinary circum-

stances. It is alleged that there is no provision of law, rules or regulations by which regularisation of service of the casual workman can be made. The Bank denied that the concerned workman had worked for 240 days in any calendar year as stated by the union in its written statement at the rate of Rs. 10 per day which was subsequently enhanced to Rs. 15 per day. The Bank denied its obligation to regularise service of the concerned workman for his alleged work of 240 days in a year. It is also alleged that being unsuccessful in the recruitment test held on 22-10-1990 the concerned workman is trying a back-door entry in the Bank's service through his union. Management has further alleged that since the name of the concerned workman was not in the list of successful candidates, he was not informed about the result of the examination. The Bank had denied that the bipartite settlement of 19-10-1967 made it obligatory to absorb part-time casual workers at the time of their recruitment as sub-staff/safai karmachari even if they are unsuccessful in the recruitment test. Regarding the circular dated 15-10-1981 it is alleged that it has no relevance in the present case as the concerned workman had not worked for 240 days or above in a period of 12 months. The alleged application of 25FI of the Industrial Disputes Act, 1947 was also denied as the workman was not retrenched from service. Regarding circular dated 16-9-1991 it is alleged that it was issued for gathering information from the branches about the persons who had worked there for 240/180/60 days under the control of a particular Regional Office and the Picnic Garden Branch was not under the control of that particular Regional Office and that the concerned workman enjoyed benefit of the said circular by appearing in the written test held on 22-10-1989. The Bank has also denied alleged violation of the provisions of Sastri Award. The Bank also claimed that pro-rata payment of pay and allowances at par with regular employees of the Bank also should not be allowed. The Bank accordingly prayed for dismissal of the case of the union.

5. In its rejoinder, the union has denied the allegation of the management that the concerned workman had worked for a total period of 297 days only from 2-1-1989 to 28-9-1989 and alleged that the petty cash vouchers of the Picnic Garden Branch shall prove that the concerned workman worked for more than 240 days in each calendar year from 1982 to 1989. The union denied the alleged unsuccessfulness of the concerned workman in the Bank's sub-staff recruitment test which was held on 22-10-1989. It is also alleged that the Bank violated the provisions of Section 25F of the Industrial Disputes Act, 1947 in terminating the service of the concerned workman. The other allegations of the Bank in its written statement against the union were also denied in this rejoinder.

6. Representative of the management being not present, nor any step also having been taken by the management on the date of the argument of this case, this Tribunal had no other alternative but to hear the argument of Mr. D. K. Chatterjee, representative of the union alone in the matter. Evidence, however, being led by both sides, those need to be taken into consideration. On behalf of the union one witness was examined and two witnesses were examined on

behalf of the management. Parties also produced certain documents.

7. Admittedly the Bank utilised the service of the concerned workman for those days as mentioned in the vouchers produced by the union in this case. The vouchers are collectively marked Ext. W-2 in this case. The workman in his evidence has stated categorically that payment to him used to be made against vouchers and he has produced xerox copies of all the vouchers by which payments were made. Upon careful examination of these vouchers it appears that from 7-1-1989 to 9-12-1989 the concerned workman had only put in 158 days of service, mainly as a drinking water boy and sometimes as a Sweeper. Thereafter in 1990 he worked for 46 days and in 1991 for 82 days and in 1992 he worked for 9 days only. It is therefore clear from these vouchers that he had never worked for 240 days in a year. The workman in his evidence has stated that he is working from 17-4-1984 uptil now and initially his remuneration was Rs. 10 per day which was raised to Rs. 15 from 7-8-1991. I have already stated that no other voucher, excepting those referred to above having been produced by the concerned workman no question of his working continuously from 17-4-1984 upto the present can arise.

8. Contradictory evidence, however, was led in this case regarding the actual days of work of the concerned workman. The workman has produced a letter written by the Regional Manager to the Zonal Office, PRS, Calcutta of the Central Bank of India dt. 8-1-1999 (vide Ext. W-5). It will appear from this letter that the Zonal Office was informed by him that the concerned workman was working as water supply boy since 1985 and in the year 1989 he was paid for 231 days, the actual working days without taking Sundays and holidays in between and if the Sundays are taken into account it will come to 253 days. The union has also produced a circular issued by the Central Manager dated 4-10-1990 (Ext. W-6) wherein the Sundays and holidays falling in between the days of continuous work of casual worker shall have to be counted as working day with effect from 1-1-1990. Even if the letter, marked Ext. W-5, referred to above is believed, the circular Ext. W-6 shall not come of any help to him because the circular for counting Sundays and holidays as working days for casual workers working continuously came into effect from 1-1-1990 and not before that, it is also to be noted that 253 days of work in any year if so fact shows that the service of the concerned workman was not continuous. It is in this connection that reference is to be made to the evidence of MW-1, Ramkrishna Das, a Clerk in the Picnic Garden Branch of the Bank since 1983. He stated in his evidence that the concerned workman was allowed to work in his branch in 1984 by the Manager of that branch for service of tea, snacks etc. to the employees of the Bank. It is nobody's case that the concerned workman had been working continuously since 1984. The days of year-wise service rendered by the workman from 1984 to 1989 has clearly been mentioned in the written statement filed by the union which never stated that he had worked continuously in any year. I have already stated about the vouchers as evidence of work rendered by the concerned workman. Neither do these

prove nor is there any case in the written statement of the union that the concerned workman had worked continuously from 1984 uptill now. In the said circumstances, the evidence of MW-1 cannot be accepted. The evidence of MW-1 is not acceptable shall be apparent from the evidence of MW-2, Krishna Gopal Mitra, the present Branch Manager of the Picnic Garden Branch of the Bank. Though he admitted that he has no idea about the branch's matter before his joining there in 1995, still as per available records with the office he wrote a letter dated 10-12-1998 to the personal Department, Regional Office, South furnishing details of work of the concerned workman (vide Ext. M-1). His evidence about the actual days of working of the concerned workman as per office record was not challenged in the cross-examination. As a matter of fact, representative of the union declined to cross-examine him on this point. It is therefore clear that as per official record the concerned workman worked for 231 days in 1989, 45 days in 1990 and 90 days in 1991. It is therefore clear from the above evidence that the union has hopelessly failed to prove that at any point of time the concerned workman rendered service for more than 240 days in any of the years.

9. The union banks upon the circular dated 12-3-1991 (Ext W-3) for absorption of the concerned workman in the service of the Bank. From paragraph 3.1 of this circular it appears that temporary employees who have put in 240 days of continuous temporary service in any continuous period of 12 months after 1-1-1982 upto 31-12-1990 will be considered for absorption in the immediate available vacancy without any test or interview. I have already stated that the union has not succeeded in proving that the concerned workman had worked for 240 days in any continuous period of 12 months. The union has also relied on the circular concerning the special recruitment drive for clearing SC/ST back-log vacancy for sub-staff cadre for the year 1996-97. Here too, the names of the temporary casual workers who were engaged for 240 days in a continuous period of 12 months between the above period of 1-1-1982 to 31-12-1990 were called from the branches. Apart from the fact that this circular cannot by itself vest any right upon any SC/ST temporary workman, to which category the concerned workman admittedly belongs, to claim absorption/regularisation the Bank having merely called for names for the above purpose by this circular no question of consideration of the concerned workman can arise as he had never fulfilled the initial requirement of 240 days work in a continuous period of 12 months in any year.

10. I have thus carefully considered the evidence on record and I find that the concerned workman had no right to claim absorption/regularisation as he had never worked for 240 days in any continuous period of 12 months at any point of time. The management of Central Bank of India in such circumstances, cannot be said to have acted unjustly or illegally in not regularising the concerned workman in the service of the Bank. The workman accordingly shall not be entitled to any relief in this case.

This is my Award.

Dated, Calcutta,

The 4th October, 1999.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1999

का. प्र. 3286:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निविदा औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-99 प्राप्त हुआ था।

[सं.एल.-12012/190/90-आई. नार. (बी-II)]

श्री. गंगाधरन, अधिवक्ता

New Delhi, the 14th October, 1999

S.O. 3286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 13-10-99.

[No. L-12012/190/90-IR.(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

PRESIDING OFFICER SHRI D. N. DIXIT

CASE No. : CGIT/LC(R)(20)-998

Shri V. M. Bhumraker,
S/o Shri Nemdeorao Bapurao Kawatkar,
Near Yadavi Hospital,
Garaba Maidan,
Nagpur (M.S.)

.. Workman

V/s.

The Regional Manager,
Dena Bank,
Nasik (M.S.)

.. Management

AWARD

Delivered on this day 17th September 1999

1. The Government of India, Ministry of Labour vide order No. L-12012/190/90 I.R. (B-II) dated 9-10-99 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of the management of Dena Bank, Nasik in dismissing Shri V. M. Bhumraker from the service of the Bank is justified? If not, to what relief the concerned workman is entitled to?"

2. The case of the workman Shri Vinayak Mahadeorao Bhumraker is, that he joined the service of management in 1973 and was confirmed in 1975. A chargesheet was given to workman on 28-12-1977 alleging that the workman was given Rs. 375 to deposit in Reserve Bank of India, Nagpur and for one month the workman neither deposited this amount nor returned to the bank. The second charge against the workman is that on 23-6-1977 the workman collected a cheque for Rs. 200 & deposited this amount in his own Savings Bank Account. A departmental enquiry was

held against the workman and this enquiry the Enquiry Officer did not found the charges proved against the workman. The Competent Authority disagreed with the Departmental Enquiry Officer and found the workman guilty of charges. A Show Cause Notice was given to the workman why he should not be dismissed from service. The workman appeared before the Competent Authority and urged his case. The Competent Authority by Order dated 2-6-82 dismiss the workman from service. The order of dismissal is arbitrary and contradictory to the principle of natural justice.

3. The workman challenged the procedure adopted in the D.E. Relevant documents were not supplied to the workman. The Regional Manager was not competent to reject the findings of the DE Officer. The punishment given to the workman is disproportionate to the misconduct. The workman wants that the order of dismissal dated 2-6-82 be quashed and he be treated to be in service. The workman further wants wages and allowances for this period.

4. The case of the management is that the enquiry was conducted according to the principles of natural justice and every opportunity was given to the workman to defend himself. The finding of the Enquiry Officer were perverted and hence the Competent Authority disagreed with this findings of and found the workman guilty of the two charges. On the basis of the enquiry report the Competent Authority found the workman guilty of the charges and imposed the punishment of termination. The management justified its action and prays that Award be given in favour of the management.

5. This Court on 8-2-86 found the DE conducted against the workman is just fair and legal.

6. The main grievance of the workman is that the Enquiry Officer have not found him guilty of charges and yet the Competent Authority has found him guilty on the same evidence and paper examined by the Enquiry Officer. The Supreme Court has held in the case of State of Rajasthan v/s. M. C. Saksena, 1998 S.C.C. 385 that the Disciplinary Authority can disagree with the findings arrived by the Enquiry Officer and can act upon his own conclusions. The only restrictions imposed is that the Disciplinary Authority must record its reasons for disagreement. In the present case on 15-5-82 the Disciplinary Authority has disagreed with the findings of Enquiry Officer and has given reasons for the findings. There is nothing irregular in the findings of the Disciplinary Authority. The extract of the judgement is reproduce belows :—

"The Disciplinary Authority can disagree with the findings arrived at by the enquiry officer and act upon his own conclusion. The only requirement is that the Disciplinary Authority must record reasons for his disagreement with the findings of the Enquiry Officer. If the Disciplinary gives reason for disagreeing with findings of the Enquiry Officer, the Court cannot interfere with those findings unless it comes to the conclusion that no reasonable man can come to the said findings. The Disciplinary Authority was therefore well within its powers to award punishment on the basis of findings arrived at by him."

7. The record of the Disciplinary Authority proceeding perused. The workman was given Rs. 375 on 28-10-77 to deposit the same in the RBI, Nagpur to get certain documents stamped from the Nagpur treasury. The amount has not been deposited by the workman till 20-11-77. The workman has also not return this amount to the bank. This fact has been admitted by the workman in his letter 5-12-77 Ex. P2. The Enquiry Officer respected the contention of the workman that Ex P2 was obtained under pressure. Thus L. K. Joshi, Regional Manager has stated in the Enquiry about letter Ex. P2 and workman and depositing Rs. 375 in the RBI upto 5-12-77. The Enquiry Officer has found this charge not proved. The Disciplinary Authority based this findings on the statement of Shri J. K. Joshi and letter of the workman Ex P2 and found this charge had been proved against the workman. I agree with findings of the Disciplinary Authority and hold the workman was given Rs. 375 on 28-10-77 to deposit in the RBI, Nagpur and the workman did not deposited till 5-12-77. This charge is proved against the workman. The second charge against the workman is that on 23-6-77 a Cheque collected by the workman for Rs. 200 has not been

deposited and this money had been deposited in the S. D. Account of the workman. Thus the workman has misused one cheque of Rs. 200 without any authority or rules. The evidence led before the DE clearly proves that the workman has misappropriated Rs. 200 banks amount and cheated the bank. This finding of the Disciplinary Authority is also supported by Documentary Evidence and Oral Evidence. I agree with the findings of the Disciplinary Authority and hold the second charge is also proved against the workman.

8. The Banking Institution are highly sensitive institutions and the conduct and character of its employees is of great importance. A high degree of honesty and sincerity is expected from the employees in its financial dealings. The misconduct proved against the workman is of serious nature and the punishment given to him is adequate. In the interest of the management the workman should remain out of the employment of the management. I agree with the quantum of punishment imposed to the workman.

9. Workman has no case. Order of termination of services passed against the workman is proper and legal. The workman is not entitle to any relief. The Award is given in favour of the management. Parties to bear their own costs.

10. Copies of the Award be sent to Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1999

का. अ. 3287:- औद्योगिक विवाद पंचिनाम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध निरीक्षणों और उनके कर्मचारों के बीच, अन्तर्बन्ध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-99 को प्राप्त हुआ था।

[सं. एल.-13012/24/98-आई आर (बी. II)]

सी. गंगाधरन, प्रवर सचिव

New Delhi, the 14th October, 1999

S.O. 3287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 13-10-99

[No L-12012/24/98-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA

REFERENCE NO. 15(c) of 1998

Management of UCO Bank, Patna and their workman represented by General Secretary, UCO Bank Employees Association, Patna.

For the Management : Sri P. K. Sinha, ACO,
UCO Bank, Patna.

For the Workman : Sri B. Prasad, State Secretary, UCO Bank Employees Association, Patna.

PRESENT :

Sri T. L. Verma, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 5th October, 1999

By adjudication order no. L-12012/24/98/IR(B-II) dated 10-7-1998 the Government of India Ministry of Labour, New Delhi referred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred as 'The Act') the following dispute between Management of UCO Bank, Patna and their workman represented by the General Secretary, UCO Bank Employees Association, Patna for adjudication :

"Whether the action of the Management of UCO Bank in the terminating the services of Sh. Arjun Prasad w.e.f. 12-4-1997 is legal and justified ? If not, to what relief the said workman is entitled" ?

2. After receipt of the adjudication order the reference was registered and parties were directed to appear in this Tribunal. Both parties appeared and written statement of claim on behalf of the workman was filed. Copy of the written statement filed on behalf of the workman was served on the Management and the Management filed its written statement and list of witnesses and documents were filed on behalf of the workman as well as on behalf of the Management. Thereafter it was fixed for hearing.

3. The case of the workman in short is that he was orally appointed on daily wages by the Management of UCO Bank, Exhibition Road, Patna on 3-3-1989 to discharge all the duties of a peon.

4. That after appointment he used to discharge the following duties :—

- (i) Taking out ledgers/registers from Almirah and placing the same on the Tables, Counters of the Bank.
- (ii) Carrying tokens/scrolls from Accounts Department to Cash Department and vice-versa.
- (iii) Posting of Mails, distribution of daks.
- (iv) Stitching of vouchers/currency notes whenever required.
- (v) Serving drinking water/tea etc.

It is said that he was paid Rs. 18 per day as wages initially which was subsequently revised from time to time and finally fixed at Rs. 80 per day. He claimed to have worked and discharged of the function of full time Peon continuously from 3-3-1989 to 12-4-1997. It is said that on 12-4-1997 he was verbally informed by the Manager that his services were no more required. It has been covered in the statement of claim filed on behalf of the workman that before 3206 GI/99—10

terminating his services neither he was given notice nor one month's pay in lieu of notice nor retrenchment compensation.

5. The workman claims to have represented his case against the termination of his service before the UCO Bank Employees Association, Bihar, Patna. The Employees Association espouse the cause of workman and raised an industrial dispute before the Assistant Labour Commissioner (C) Ministry of Labour, Government of India, Patna. The Assistant Labour Commissioner held conciliation proceedings on various dates to bring out amicable settlement of the dispute but failed in his efforts on account of the alleged unreasonable attitude adopted by the Management. The matter was therefore referred to Government of India Ministry of Labour for further action in the matter. On being asked by the Ministry the Management submitted its comments on the report regarding failure of conciliation. The Ministry of Labour after giving due consideration to the report pertaining to the failure of conciliation and comments offered by the Bank Management came to the conclusion that an industrial dispute did exist between the Management and the workman and referred the same for adjudication.

6. According to the workman he has worked for over 240 days in a calendar year continuously from 3-3-1989 and also immediately preceded the termination of his services. Therefore, the termination of his service without giving one month's notice or one month's pay in lieu of notice and retrenchment compensation amounts to violation of the provisions of section 25F of the Industrial Disputes Act and as such the termination of the services of the workman is illegal and void without jurisdiction.

7. The Management has appeared and contested the claim of the workman. In the written statement filed on behalf of the Management it has been stated that the reference was not competent. The further case of the Management is that the Branch Manager who appointed the workman had no authority to make such an appointment as such the appointment was void ab initio and did not confer any right on the workman to hold the post. Therefore, provisions of Industrial Disputes Act were not attracted and notice as required u/s 25F of the Act was not necessary.

8. The further case of the Management is that the workman Arjun Prasad was not discharging the function of regular peon. He was engaged for duties of contingent nature such as serving water tea etc. to the staff and member and/or performing the job of Cooli. Such appointments it is averred do not attract the provisions of the I.D. Act. It has also been asserted that since the appointment was for doing contingent nature of job the question of terminating his service did not arise as the contingency for utilising the service of Arjun Prasad had ceased his services were not utilised after 12-4-1997 and that this does not amount to retrenchment. Therefore, he is not entitled to either one month's notice or pay in lieu thereof nor retrenchment compensation. The reference, therefore, it is stated, deserves to be answered in negative.

9. In view of the admitted position that no notice as required u/s 25F of the Act was given to the work-

man, only question that falls for consideration is whether Arjun Prasad was a workman within the meaning of section 2(s) of the Act, Section 2(s) of the Act reads as follows :—

“2(s)—‘Workman’ means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Act in relation to an Industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute but does not include any such person—

- (i) who is subject to the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity draws wages exceeding one thousand six hundred rupees per mensem or exercise, either by the nature of the duties attached to the office or by reason of the powers vested in him, function mainly of a managerial nature.”

The plain reading of provisions of section 2(s) of the Act extracted above clearly suggest that a workman means any person and includes an employee temporarily, permanent or probationer employed in any Industry for discharging the job connected with the activities of the said Industry for hire or reward. The Bank admittedly, is an Industry. From the reply of the Management filed on behalf of the Management it does not appear that the Management has disputed that the workman had worked in the Bank from 3-3-1989 to 12-4-1997. In view of this obvious conclusion that follows is that the workman was in the employment of the Bank during the aforesaid period.

10. In view of the foregoing conclusion the second question that arises for consideration is whether the employment of the workman was contingent in nature or was in connection with the activities of the Bank. The parties have adduced evidence oral and documentary in support of their respective claims. The Management has examined Sri A. K. Tewary, Assistant Chief Officer, UCO Bank, Zonal Office, Patna and filed photo copy of the circular dated 31-3-1990 Ext. M photo copy of the circular dated 19-10-1989 Ext. M/1, Photo copy of the letter dated 29-3-1997 Ext. M/2, Photo copy of the circular dated 28-4-1997 Ext. M/3, Photo copy of the memorandum of understanding Ext. M/4 and photo copy of the circular dated 29-12-1981 Ext. M/5 in support of his case. The workman has also examined himself as M.W.-1 and Smt. Rekha Verma, W.W.2 Officer Incharge UCO

Bank Extension Counter, A. G. Office, Patna. The workman has also filed photo copy of the letter dated 10-5-1997 Ext. W, photo copy of the three payment sheets Ext. W/1, photo copy of the letter dated 18-9-1997 Ext. W/2, photo copy of the letter showing details of strength of the staff Ext. W/3, photo copy of the letter dated 28-4-1994 Ext. W/4, photo copy of the letter dated 14-3-1997 Ext. W/4-1, photo copy of the letter dated 3-9-1994 Ext. W/5 and photo copy of the letter addressed to R.B.I., Patna Ext. W/6 in support of his case.

11. M.W.1 Shri A. K. Tiwary was Assistant Manager of the UCO Bank, Main Branch, Patna from January, 1989 to September, 1992. According to him no one of the name of Arjun Prasad was working in the Main Branch as peon during that period. In his cross-examination he however, denying that he used to carry ledgers from one counter to another admitted that Arjun Prasad used to come to the Bank occasionally and used to bring tea and bettle.

12. The workman, has deposed that he worked as peon in the UCO Bank, Exhibition Road, Patna from 3-3-1989 to 12-4-1997 and that his duties included taking out ledger and Register from the Almirah, carrying cash from Reserve Bank, going to Telegraph Office for sending official telegrams, stitching notes and vouchers, distributing daks and that his duty hours were between 10 A.M. to 6 P.M. His wage initially was Rs. 18/- per day and that the same was revised from time to time and finally fixed at Rs. 13/- per day. He has also stated that he has worked continuously from 3-3-1989 and for more than 240 days in every calendar year since then.

13. I have very carefully perused his cross-examination and I find that his statement regarding nature of the duties performed by him and the period of his employment has not been seriously challenged. Besides that the documents proved by W.W. 2 Smt. Rekha Verma who was posted as Assistant Manager of the UCO Bank, Exhibition Road, Patna during the relevant period lend support to the statement of the workman, Ext. W and its annexure would disclose that the Chief Zonal Officer of the Bank informed by letter dated 10-5-1997 that Arjun Prasad was non-empanelled casual worker and that he was appointed on 3-3-1989 by Branch Manager.

14. Ext. W/1 is photo copy of payment sheet of wages paid to Arjun Prasad during, 1995, 1996 and early 1997. Letter dated 18-9-1997 has been marked as Ext. W/2. In the annexure of the letter information regarding Arjun Prasad (workman) has been furnished. The workman has been described in this letter as temporary peon. Its annexure which has been marked as Ext. W/3 besides giving the then strength of the staff of the Branch contains the statement of the number of days during which he was employed. From the statement given in column 14 of Ext. W/3 it would appear that in 1989 Arjun Prasad had worked for 9 months and 27 days. He has worked in the year 1990, 1991, 1992, 1993, 1994, 1995, 1996 and 1997. During 1991 to 1996 he was employed the entire year. In 1997 he had worked for three months and 12 days. This document which was proved by an officer of the Bank

itself goes to show that the services of the workman Arjun Prasad during the aforesaid period were utilised as temporary peon and that he had worked for more than 240 days in each calendar year beginning from 1990 to 1996.

15. Exts. W/4, W/4-1, W/5 and W/6 these are the letters dated 28-4-1994, 14-3-1997, 8-9-1994 and 8-11-1992 respectively. These letters indicate that workman Arjun Prasad was authorised to receive specimen signature card, to receive Bank Draft from the Manager Reserve Bank of India and to receive the contents of the counter receipt No. 25 dated 8-11-1992. In all letters the signature of the workman Arjun Prasad had been attested by the Bank officials.

16. As has already been mentioned above the workman, in this evidence, has stated that his initial wage was Rs. 18/- per day and that the same was revised from time to time and finally fixed at Rs. 80/- per day. This aspect of the statement of the workman also finds support from column 3 of Ext. W/3 and also payment sheet of wages paid to him Ext. W/1. In ext. W/1 also it may be seen that the workman Arjun Prasad was paid wages at the rate of Rs. 80 per day for Saturday and Sundays also in 1996. The above documents together with the oral testimony of the workman leave no room for doubt that the Services of the workman were utilised full working hours right from the date of his appointment to the date on which his services were dispensed with. The letter Exts. W/4, W/4-1, W/5 and W/6 also clearly indicate that the services of the workman Arjun Prasad were utilised in connection with the work of the Bank. I have therefore no manner of doubt that Sri Arjun Prasad was a workman within the meaning of section 2(a) of the Act.

17. In view of the foregoing conclusion the second question that arises for consideration is whether dispensing with the services of the workman Arjun Prasad would amount to retrenchment within the meaning of section 2(oo) of the Act. Retrenchment has been defined in section 2(oo) as follows :—

2(oo) "retrenchment means the termination by the employer of the service of a workman for any person whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained herein; or
- (c) termination of the service of a workman on the ground of ill health,"

From the definition of retrenchment as extracted above it follows that any termination of service of the workman except as a measure of punishment inflicted by way of disciplinary action amounts to retrenchment. It was submitted by the Management that no appointment letter appointing workman as Peon was ever issued. It is true that the workman has also in his cross-examination admitted that no formal appointment letter was issued to him. The material on the record leaves no room for doubt that his services were utilised as casual worker and that he was paid wages in lieu of the services rendered by him for over eight years. This, in my opinion, is sufficient to come to the conclusion that the workman had been engaged as casual labour from 3-3-1989 to 12-4-1997.

18. The representative of the Management next argued that the Branch Manager who had appointed Arjun Prasad as casual worker did not have any authority to make such appointment, therefore, the appointment is void ab initio and as such does not confer any right on the workman to hold the post. In support of this argument Reference was made to Ext. M/2 and M/3 letters dated 29-3-1997 and 20-4-1997 circulars whereby ban was placed unauthorised engagement of casual workers on payment of daily wages. These letters have been issued much after the employment of the workman. Letters do not indicate that this policy will have retrospective application. In these letters reference has been made to the Circular dated 31-3-1990 also. It appears that by this circular the Branches had been advised that no engagement of casual worker will be authorised and such engagement if resorted to by the Branch Manager the Head of office personally shall be accountable for such lapse. This circular is also subsequent to the appointment of Arjun Prasad. This circular also therefore would not render his appointment as against the instruction contained in the aforesaid two circular letters. The Management failed to bring to my notice any other circular issued prior to the appointment of the workman Arjun Prasad placing ban on engagement of persons on daily wage basis. The circular dated 31-8-1990 Ext. M pertaining to Empanelment and absorption of persons engaged on daily wage basis in terms of settlement dated 12-10-1989 has also no relevance to the present dispute because the reference does not raise any dispute regarding regularisation and absorption of the workman on regular basis. Ext. M/1 circular dated 19-10-1989 also relates to empanelment and absorption of persons engaged on daily wage basis. Ext. M/4 Memorandum of understanding between the Management of UCO Bank and Unions and Associations of UCO Bank on Bank's three year revival plan entered on 16-5-1997 has also no relevance to the question on issue. Ext. M/5 circular dated 23-12-1981 relating to policy and procedure to be adopted for recruitment to the posts in subordinate cadre. This also has no bearing under the question on reference because the issue for consideration is whether the termination of services of the workman Arjun Prasad is justified or not. As a matter of fact the workman Arjun Prasad was not employed on any post in the subordinate cadre. He was only a casual worker employed on daily wage basis. The Manage-

ment, it would thus appear has failed to show that Arjun Prasad was not a workman within the meaning of section 2(s) of the Act.

19. Admittedly no notice as required up 25F or one month's pay in lieu of notice and retrenchment compensation was given to the workman at the time his services were dispensed with. In view of this the question that arises for consideration is whether the action of the Management in doing so is justified. Section 25F provides that no workman, who has been in continuous service for not less than one year under an Employer, shall be retrenched without giving one month's notice in writing or one month's pay in lieu of notice and retrenchment compensation. This admittedly has not been done. The action of the Management therefore amounts to clear violation of the provisions of section 25F and is therefore void ab initio.

20. In view of the discussions made above I find and hold that the action of the Management of UCO Bank in terminating the services of Shri Arjun Prasad with effect from 12-4-1997 is illegal and unjustified. He is therefore, entitled to be reinstated and also entitled to the wages which he would have earned as if his services had not been terminated.

21. This is my award.

T. L. VERMA, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1999

का. आ. 3288:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, आबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रवर्तित करती है, जो केन्द्रीय सरकार को 13-10-99 को प्राप्त हुआ था।

[म. एल.-12012/23/92-आई आर (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 14th October, 1999

S.O. 3288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 13-10-99.

[No. L-12012/23/92-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)
PRESIDING OFFICER SHRI D. N. DIXIT

CASE NO. : CGIT/LC/R/127/92

Dy. General Secretary,
Union of the Maharashtra Bank,
Employees, C/o Shri G. P. Gupta,
Hanuman Mandir Gali,
Yadav Colony,
Jabalpur

.. Applicant.

V/s

Regional Manager,
Bank of Maharashtra,
Wright Town,
Jabalpur

.. Non-Applicant

AWARD

Delivered on this 15th day of September, 1999

1. The Government of India, Ministry of Labour vide order No. L-12012/23/92-IR(B)-2 dated 24-6-92 has referred the following dispute for adjudication by this Tribunal:—

SCHEDULE

"Whether the action of the management of Bank of Maharashtra is justified in not allowing the post of Telex Operator to Shri G. P. Gupta, Clerk? If not, to what relief is the workman entitled to?"

2. The case of the workman Shri G. P. Gupta is that he joined the service of the bank as a clerk on 27-11-79. The post of a Telex Operator was created in the Regional Office, Jabalpur and applications were invited for the same in the year 1984. Five persons applied and appeared in the Typing Test. The minimum speed of the test was fixed at 30 w.p.m. According to the workman he alone typed at the speed of 30 w.p.m. He was also senior to all four employees appearing for the test. The workman was not selected and Shri N.C.R. Nair was given the appointment of the post of Telex Operator by the management. Shri N.C.R. Nair was junior to the workman in service and his typing speed was less than 30 w.p.m. Thus the workman was denied the allowance of Telex Operator. The Workman has passed the Typing Examination conducted by the Board of Government of M.P. and he is fit for the post of Telex Operator. The workman claims the post of Telex Operator from 18-8-84. He also claims wages of this post and interest on this amount.

3. The case of the management is that Shri G. P. Gupta requested for transfer to Jabalpur city and was posted in the Regional Office, Jabalpur on 30-11-82. In respect of Allowance Carrying Post there was a Circular dated 5-8-74. This came to an end when the settlement between the management and majority union was arrived at 13-4-87. Thus prior to 13-4-87 the Allowance Carrying Post were given to employees by Circular dated 5-8-74. According to this Circular, an employee who was transferred on request to a new place has to forego his claim on seniority as well as on Allowance Carrying Post. Thus employee was deemed to be the junior most among the workman, in his Cadre, working in the new place of posting. For the contention of the management is that Shri G. P. Gupta joined Regional Office, Jabalpur in November 1982 on Request Transfer. He became junior most at Jabalpur at his Cadre and could not get Allowance Carrying Post of Telex Operator in 1984. Thus Shri G. P. Gupta was not senior most in the five employees considered for the posts of Telex Operator in 1984. Further Shri N.C.R. Nair was not junior to Shri G. P. Gupta because of Request Transfer of Shri G.P. Gupta. Shri N.C.R. Nair has secured the minimum speed in the test held on 18-4-84. The management request that the action of the management be confirmed and Award be given in favour of the management.

4. Admittedly the vacancy of Telex Operator was notified in the year 1984 and five persons including the workman and Shri Nair applied for the post. The typing test was held on 18-8-84. The workman had come to Regional Office Jabalpur on request transfer, on 30-11-82. There was a settlement between the management and the majority unions (including the union pursuing the case of Shri G. P. Gupta) on 13-4-87 in respect of Allowance Carrying Post.

5. Prior to this settlement of 13-4-87 the Allowance Carrying Post were Governed by management circular dated 5-8-74. This circular stated that on request transfer of employees at the new place of posting he was not allowed to hold any Allowance Carrying Post and was placed at the junior most in his Cadre. Shri Gupta was not given promotion as Telex Operator because he cannot get Allowance Carrying Post and he was place junior most in the Cadre.

Thus when Shri N.C.R. Nair was promoted as Telex Operator he was senior to Shri G. P. Gupta in the Cadre of Clerk at Jabalpur and he cannot get an Allowance Carrying Post because he came on Request Transfer. The management had not filed this circular in the Court. It is difficult to appreciate how this circular is applicable to the facts of the present case? Shri G. P. Gupta has stated that in the typing test conducted on 18-8-84 he has obtained a typing speed of 30 w.p.m. He has further stated that he was senior most to all the five employees who has taken the typing test. It was for the management to file the Gradation list as on 18-8-84. The management failed to file the Gradation list. I believe the workman that he was senior most in the employees who appeared in the typing test on 18-8-84.

6. Shri G. P. Gupta has passed the typing test conducted by the Government of Madhya Pradesh thus he is otherwise qualified to hold this post.

7. According to the management Shri G. P. Gupta joined Regional Office, Jabalpur on 30-11-82. The other two employees had joined the service on 16-6-82 and 28-10-82. The other two joined in the year 1983. Thus treating Shri N.C.R. Nair senior to Shri G. P. Gupta was not at all fair. Shri G.P. Gupta has joined the service on 27-11-79 and was about three years senior to Shri N.C.R. Nair. On 30-11-82 when Shri G. P. Gupta joined at Regional Office, Jabalpur Shri N.C.R. Nair was a probationer. I failed to understand how a regular employee be made junior to a probation employee in the same Office. The way promotion to the post of Telex Operator was given to Shri N.C.R. Nair is far from satisfactory. In fact in terms of seniority and qualification Shri G. P. Gupta was superior to Shri N.C.R. Nair. The management did injustice by promoting Shri Nair to the post of Telex Operator on 18-8-84. I hold that Shri G. P. Gupta be deemed to be promoted as Telex Operator w.e.f. 18-8-84. Shri G. P. Gupta will be entitled to the allowance of Telex Operator as applicable from time to time.

8. Award is given in favour of the workman Shri G. P. Gupta. He be deemed to be Telex Operator from 18-8-84 and entitled to allowance of this post. The arrears be paid to workman in 3 months time from publication of Award. The workman will be entitled to an interest of 12 per cent per annum on this amount, if it is not paid to workman 3 months after the publication of this Award. Management to pay Rs. 2000 as cost to the workman.

9. Copies of the Award be sent to the Government of India, Ministry of Labour as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1999

का. प्र. 3289 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्द्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-99 को प्राप्त हुआ था।

[सं. एल.-12012/89/91-आई प्रार (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 14th October, 1999

S.O. 3289.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial Dispute

between the employers in relation to the management of Central Bank of India and their workman which was received by the Central Government on 13-10-99.

[No. L-12012/89/91-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

PRESIDING OFFICER SHRI D. N. DIXIT
CASE NO. CGIT/LC (R) (123)/91

Shri Shiv Prasad Malviya
S/o Shri Laxmi Prasad Malviya,
Purana Chapakhana,
Chhindwara (M.P.)

... Workman

Vs.

Regional Manager,
Narasingshpur,
Chhindwara (M.P.)

... Management

AWARD

Delivered on this 23rd day of September, 1999

1. The Government of India, Ministry of Labour vide order No. L-12012/89/91-IRDH dated 20-6-91 has referred the following dispute for adjudication by this tribunal :—

SCHEDULE

“Whether the action of the management of Central Bank of India in terminating the services of Sh. Shivprasad Malviya is justified? If not, to what relief is the workman entitled.”

2. The claim of the workman is that he was appointed as a messenger in the Dungariya Branch of the management on 23-10-80. He worked for about 139 days till 10-3-81. For the second time he was appointed in the Chhindwara branch of Bank between 21-04-81 to 17-10-81 and worked for 50 days. In the year 1982 he was completed 240 days of work in 12 consecutive months. From September, '82 work has not been given to him. Prior to stoppage of work notice of termination was not given to him and retrenchment compensation also was not given to him. The workman claims that his termination is illegal. He seeks the relief of reinstatement and back wages

3. The case of the management is that the workman was never appointed to the permanent service of the bank. He has not been issued an appointment order and termination order. The workman has never been transferred by the management from one branch to another branch. At no point of time the workman has worked for 240 days in one calendar year. There is no post like a messenger in the bank. In the present case the workman worked for particular days on daily wages and had been paid remuneration. The workman moved the Labour Commissioner after lapse of many years. This clearly shows that he was not serious about the service with the bank. The

workman was not entitled to notice of termination and retrenchment compensation. The case of the applicant is based on surmises and imagination. The management seeks that the case of the workman be dismissed with cost.

4. According to workman he was stopped from duty w.e.f. September, 1982. The workman approached Assistant Labour Commissioner Chhindwara in the year 87 (as shown in Ex. W-2). Thus for five complete years the workman kept quiet and did not try to get his job back. Thus conduct is unusual. The average employee makes a concentrated effort to get his job. This circumstances makes the case of the workman unnatural.

5. The management has filed the statement of working days of each month, done by the workman, which is Ex. W2. This shows that in the year 1980 the workman has worked for 70 days, in the year 1981 for 119 days, in the year 1982 for 232 days and in the year 1983 for 24 days. The workman has stated in para 8 of Statement of Claim that in one calendar year, he has worked for more than 246 days. This fact is not proved by the document Ex. W2. In Ex. W2 it has been shown that from Jan. 82 to Dec. 83 the workman has worked for 232 days only. Thus, the maximum work in one year which the workman has done for the management is 232 days. This is inclusive of holidays and Sundays.

6. According to Statement of Claim para 6 the services of workman were stopped from September, '82. In statement Ex. W2 it has been shown that in the month of October, November, and December, 1982 workman was employed by the management. Thus the statement of Ex. W2 is fair and correct.

7. The workman failed to produce Documentary Evidence or Oral Evidence to the effect that he has worked for more than 240 days in one calendar year.

8. According to Statement of Claim he has worked in various branches of the management bank. Firstly in the Dungariya Branch, secondly in the Chhindwara, thirdly at Linga Branch, fourthly at Chargaon Branch and fifthly at Narsinghpur, Branch. The workman has not produce a single appointment letter and termination letter. He has stated in cross examination of his affidavit that he was not sponsored by the Employment Exchange. Prior to appointment he has not faced an interview board. His education is only upto Class 7. This witness has admitted in para 12 in his cross examination that whenever the bank required an extra workman he was given the job. Thus, the workman was employed by the bank on daily wages on purely temporary vacancy at various branches.

9. The workman did not acquire a permanent or quasi permanent status. The workman was not an employee of the management. His employment came to an end when the period of appointment came to an end. There was no necessity to give him notice prior to stoppage of work or retrenchment compensation. The action of the management is fully justified.

10. The workman has no case. The Award is given in favour of the management Parties to bear their own costs.

11. Copies of the Award be sent to Ministry of Labour, Government of India as per rule.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 18 अक्टूबर, 1999

का. आ. 3290:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अतुल्य में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-10-99 को प्राप्त हुआ था।

[[सं. एल.-22012/342/82-आई. अ. र. (सी-II)]]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th October, 1999

S.O. 3290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.E.C.L. and their workman, which was received by the Central Government on the 15-10-99.

[No. L-22012/342/82-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR (MP)

SHRI D. N. DIXIT, Presiding Officer

CASE NO. CGIT/LC/R/46/93

Chattisgarh Swatantra Mazdoor
Union

Applicant

Versus

Rajgamar Colliery of SECL.,

Korba Area.

Non-applicant

AWARD

Delivered on this 16th day of March, 1999

1. The Government of India, Ministry of Labour vide order No. L-22012/342/82-IR(C-II) dated 25-2-93 has referred the following dispute for adjudication by this tribunal—

“Whether the management of Rajgamar Colliery of SECL, Bilaspur is justified in deducting eight days wages from workers who went on strike on 29th August 1992. If not, what relief the workman are entitled to?”

2. The Union remained absent on 20-8-98, 16-10-98 and 14-1-99. It seems the Union is not interested in prosecuting the present dispute. The award is given in favour of the management. Parties to bear their own cost.

3. Copies of award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 21 अक्तूबर, 1999

का. आ. 3291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-99 को प्राप्त हुआ था।

[सं. एल-22012/228/97-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 21st October, 1999

S.O. 3291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on the 21-10-99.

[No. L-22012/223/97-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT HYDERABAD

PRESENT :

Sri E. Ismail., B.Sc., B.L., J., Industrial Tribunal-I
Dated the 29th day of September, 1999

INDUSTRIAL DISPUTE NO. 23 OF 1998

BETWEEN :

The Vice President Singareni Collieries C. Association, S.C.C.A., Quarter No. 43., S.R.P. Colony, Mancherial(AP) ... Petitioner
Workman

And

The General Manager, M/s. S.C.C.L.,
Sreerampur 504 303. ... Respondent
Management.

APPEARANCES :

None for the petitioner.

Sri J. Parthasarathi advocate for the respondent.

AWARD

The Government of India Ministry of Labour New Delhi its order No. L-22012/228/97/IR(CM-II) dt. 19-8-1998 referred the following Industrial Dispute U/s. 10(1)(d) of Industrial Dispute Act, 1947 for adjudication with the following :

SCHEDULE

"Under NCWA-V the gross salary of Rs. 4565.93 ps. paid to Sri K. Gurusasad, Clerk-IA, Incline of Sreerampur Division of

S.C.C.L., in the month of February '95 is correctly paid after proper calculations not? And whether the management of S.C.C.L., Sreerampur Division is right in recovering Rs. 795.73 ps. as excess paid arrears or not? If not to what relief the workman is entitled?"

2. After the receipt of the above reference, this Tribunal issued notice to both the parties to appear on 6-10-98. Both the parties failed to appear on that day. However, it was posted to 20-10-98 on that day petitioner was absent but the respondent appeared and filed vakalat. One more notice was issued to the petitioner union to appear on 27-1-1999 for this notice also petitioner failed to attend before this Tribunal inspite of receiving the notice. Hence, notice was ordered to the concerned workman to appear before this Tribunal on 28-04-1999. Concerned workman also received the notice but failed to attend. After 28-04-1999 to 29-9-1999. 7 adjournments were granted to enable the petitioner and concerned workman to appear and prosecute their case. But he failed to be present and did not prosecute the matter. Hence, I understand that neither the petitioner union nor the concerned workman are interested to prosecute the matter. There is no other material except the reference available to this Tribunal to decide the matter. There is no option to this Tribunal except to close the reference. Hence, I.D. is closed and 'NIL' award is passed.

Given under my hand and the seal of this Tribunal this the 29th day of September, 1999.

E. ISMAIL, Industrial Tribunal-I.

नई दिल्ली, 21 अक्तूबर, 1999

का. आ. 3292.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-99 को प्राप्त हुआ था।

[सं. एल-22012/421/97-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 21st October, 1999

S.O. 3292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on the 21-10-99.

[No. L-22012/421/97-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD
PRESENT :

Sri E. Ismail, B.Sc., LL.,B., Industrial Tribunal-I

Dated : 27th Day of September, 1999

Industrial Dispute No. 36 of 1998

BETWEEN

The Branch Secretary,
 S.C. Mines, Labour Union
 INTUC, Bhavan, Near

S.C. Super Bazar,

Godavarikhani-505 209. ... Petitioner/Workman

AND

The General Manager,
 M/s. S.C.C. Ltd., Ramagundam-I,
 Godavarikhani.

... Respondent/
 Management.

APPEARANCES :

None—for the petitioner.

Sri. J. Parhasarathi advocate for the respondent

AWARD

The Govt. of India Ministry of Labour New Delhi its order No. L-22012/421/97/IR (CM-I) Dtd. 27-10-98 referred the following Industrial Dispute U/s. 10(1)(d) of Industrial Disputes Act, 1947 for adjudication with the following :

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Co., Ltd., Ramagundam, Godavarikhani in dismissing Sh. Potlapati Sanjeev Kumar, Ex. Badli Filler, Godavarikhani-3 w.e.f. 29-10-93 is justified and legal? If not to what relief is the workman entitled?"

2. After the receipt of the above reference, this Tribunal issued notice to both the parties to appear on 8-12-98. The respondent appeared and filed the Vakalat. But the petitioner did not appear though notice served on it. This Tribunal issued 3 more notices to the petitioner union but all 3 notices were returned unserved by the postal department stating that door was locked for 7 days. Hence a notice was issued to the concerned workman viz., Sri P. Sanjeev Kumar to appear before this Tribunal on 13-8-1999. The concerned workman also failed to appear before this Tribunal inspite of receiving the notice. The petitioner union and the concerned workman failed to present and did not prosecute the matter. Hence I understand that neither the petitioner union nor the concerned workman is interested to prosecute the matter. There is no other material except the reference available to this Tribunal to decide the matter. There is no opinion to this Tribunal except to close the reference. Hence I.D. is closed, and 'NIL' award is passed.

Given under my hand and the seal of this Tribunal this the 27th Day of September, 1999.

E. ISMAIL, Industrial Tribunal-I

नई दिल्ली, 22 अक्टूबर, 1999

का. आ. 3293:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में रिचर्डसन एण्ड क्रुड्डास लिमिटेड के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-99 को प्राप्त हुआ था।

[सं. एल-42012/105/98-आई मार (डी य)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd October, 1999

S.O. 3293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Richardson and Cruddas Ltd. and their workman, which was received by the Central Government on the 20-10-99.

[No. L-42012/105/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/109 of 1998

Employers in relation to the management of the Genl. Manager (IR) M/s. Richardson and Cruddas Ltd. The Genl. Manager (IR),

M/s. Richardson and Cruddas Ltd. (1972),
 Byculla Iron Works,
 Byculla,
 Mumbai-400008.

AND

Their Workmen.
 The President,
 Association of Engineering Workers,
 252, Janta Colony, Ramnarayan Narker Marg,
 Ghatkopar (East),
 Mumbai-400001.

APPEARANCES :

For the Employer : Mr. S. Z. Choudhary, Advocate.

For the Workmen : Mr. Abhay Kulkarni and Mrs. P. A. Kulkarni, Advocates.

Mumbai, dated 28th September, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/105/98/IR(DU), dated 1-8-98, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of M/s. Richardson and Cruddas (1972) Ltd., Mumbai by illegally transferring the workman Shri Unni Nair from

Byculla to Almatti, Bijapur District Karnataka State is legal and justified? If not, to what relief the workman is entitled to?"

2. Unni Nair (hereinafter referred to as the workman) completed his National Apprenticeship in category of clerk (general) from 1-9-74 to 31-8-75. By an order dated 22nd January, 1976 the Richardson and Cruddas (1972) Ltd. the Government of India undertaking (hereinafter referred to as the management) appointed him as a clerk on probation from 1-1-76 on different terms. On 2nd July, 1976 he was confirmed as a clerk in 'C' grade. On 16th January, 1985 he was promoted to 'B' grade on the same terms and conditions.

3. The management by its letter dated 21-7-95 offered him a promotion. Later on by letter dated 28-7-95 a reminder was sent to him that the non-acceptance on the part of the workman of the promotion will amount to rejection of the offer on his part. He worked in the category of a staff upto 5-12-95 i.e. for about 20 years. Thereafter he was transferred to C.P.O. the department of fabrication shop wherein he was made to work in three shifts.

4. The management transferred him to Chief Manager (Engineering and Projects) from his present place of posting, by the office order dated 21st February, 1997. Later on by order dated 27th February, 1997 he was posted to Gammon India Ltd. Almatti dam project site, Almatti District, Bijapur, Karnataka with immediate effect. He was ordered to report to the site incharge Shri Karan Singh. On the next date the workman requested for sanction of the amount, but he did not fill the necessary form. On 1st March, 1997 the union protested for the transfer of the worker contending that it is unfair labour practice. On the very date the attendance card of the workman was taken out.

5. The workman through his union filed a complaint No. 200 of 1997 before the Industrial Tribunal, Maharashtra at Mumbai. On 29-4-97 the interim relief was granted to him by which the order of his transfer was stayed. Being aggrieved by that order the management filed Writ Petition in the High Court but could not get the stay order on 16-5-97. Then they filed an amendment application in the writ petition which came to be allowed. The amendment was in respect of who is the appropriate authority. The High Court came to the conclusion that the Central Government being the appropriate authority an order passed by the Tribunal is incorrect and it set aside the same on 8-8-97. Thereafter the said tribunal disposed off the complaint application.

6. The management by its order dated 30-8-97 ordered the workman to report at Almatti. The workman reported to the duty at Almatti. On 11-9-97 the workman gave a letter to Karan Singh informing him the pathetic condition of his residential house and also told him that he is reporting to the Head Office and left the place. On 30-9-97 the union raised an Industrial Dispute. Meanwhile the workman informed the management that he is sick. It is therefore, the management by its letter dated 21-10-97 directed the workman to report to Byculla Medical Officer for check up. On 23rd and 24th of October, 1997 the workman reported for medical check up. On 28-10-97 the management directed him to report to the duty after the rest period upto 31-10-97. But the worker did not attend the duties at Almatti. On 2-12-97 the workman tried to join at Byculla office with fit medical report but, he was not allowed to join there. He was then served with a charge-sheet dated 23-11-97, under different heads. He replied the same on 25-12-97. Thereafter till today the management had not taken any action against the workman.

7. The workman's name remained to be on the muster roll at Byculla. He was paid wages from Byculla. He was paid his wages in respect of the sanctioned leave. These are the admitted facts.

8. The Association in the Statement of Claim (Ex-6) contended that the transfer of worker to Almatti is without any jurisdiction. The workman being clerk and not a technician he could not be transferred to Almatti. There is no clause in his appointment letter that he can be transferred. It is averred that he is an active member of the Association. The 3206 GI/99—11.

Association informed the management by its letter that he is a protected workman. Therefore he could not be transferred. But, the management illegally transferred him.

9. The Association averred that the workman complained against the higher authorities of the management regarding its mal practices. It is submitted that due to the transfer the workman suffered irreparable loss. It is averred that the transfer is mala fide. It is prayed that under such circumstances the transfer order dated 27-2-97 be set aside, allow the workman to resume the duties at Byculla and the workman be paid all its unpaid wages with other reliefs.

10. The management resisted the claim by the Written Statement (Ex-7). It is averred that the workman was not transferred to Almatti as contended, but, he was temporarily posted there on dam site for specified work after end of which he was required to report back to Byculla Iron Works. It is averred that the temporary posting at Almatti dam site on account of exigencies of work is not a transfer and as such the reference is not tenable. It is submitted that the work at Almatti dam site no more exists. He was called back as Byculla Iron Works w.e.f. 30-8-98 and at present he is working at Byculla Iron Works. Therefore there exists no industrial dispute and hence the reference deserves to be dismissed with costs. It is submitted that the reference made to the court is not espoused by majority of the workman employed by the company and representative character of the union who claims to represent the workmen of the company has also not been verified by the Conciliation Officer. It is averred that under such circumstances the dispute referred to the Tribunal is improper. It is denied that the workman is a protected workman under the Industrial Disputes Act of 1947.

11. The management averred that the company had different branches at different places. It has various work sites and the work is undertaken for last many years before the recruitment of the workman in the company. Hence all employees and staff members are recruited by the company with understanding and intention to post and/or transfer them at any branch and/or site of the company. As the management has inherent right to transfer or posting, the action which is taken in respect of the workman is perfectly legal and proper.

12. The management averred that the workman was previously posted to Kanpur and also at Bhilai Steel, State of M.P. At that time he had not raised any dispute. He is having experience and knowledge about steel work and the company received complaint regarding poor progress in work due to the workman idling for want of material and poor work force at the site resulting in slow progress of infabrication activity. Therefore the workman was posted there in steel material accounting and follow of the site. There was no illegal inquiry or unfair labour practice in respect of his transfer. It is averred that the workman was not paid salary during the period he has not worked at site. It is on the principle of "no work no wages". For all these reasons it is submitted that the workman is not entitled to any reliefs.

13. The issues are framed at Exhibit-10. The issues and my findings there on are as follows:—

ISSUES	FINDINGS
1. Whether the action of the management of transferring the workman Shri Unni Nair from Byculla to Almatti, Bijapur District is legal and justified?	No.
2. If not, to what relief the workman is entitled to?	As per order.

REASONS

14. Unni Nair (Ex-11) affirms that the union had written a letter to the management on 27-9-96 (Ex. 8/6) by which it was informed regarding the information of the committee. It is mentioned there in that the six workmen mentioned there in will be working as a committee members in the company and will be protected workman as provided under Section 33 of the Industrial Disputes Act of 1947. The workman's name appears to be at serial No. 6. Then there is another para and some five names are appearing. He accepts

in the cross examination that they have not received any confirmation of the letter from the company. He further deposed that the five workmen named which are mentioned in that letter are not in the company for last three to four years. Shivaji Gunjal (Exhibit-21) affirmed that after receipt of that letter the management asked the association to comply with the legal requirements by its letter dated 9-10-96. The union declined to comply with the said letter. Under such circumstances the argument which is advanced on behalf of the management that the workman is not a protected workman appears to be correct.

15. In the written statement there appears to be a contention that in view of Section 22 of the sick Industrial undertakings Act in as much as the company has been declared as sick unit by BIFR and revival package has been approved by BIFR and now the company is in nursing period. The reference therefore deserves to be dismissed in limine as no permission has been obtained by the workman from BIFR to institute proceedings. To justify this contention there is no evidence.

16. Unni Nair (Ex-11) the workman affirmed that he was appointed as a clerk by an appointment letter dated 21-1-76 (Ex-8/2). After perusal of this appointment letter is affirmed by him it reveals that there is no clause of transfer. Shivaji Gunjal (Ex-21) affirms that the workman gave consent to his transfer but he accepts that there is no document to show that he had given such a consent. Under such circumstances I am not inclined to accept that the workman had given his consent for transfer. The circumstances also supports him. It is because immediately after the transfer his union had written a letter to the company that his transfer is unfair labour practice and he should not have been transferred. The Learned Advocate for the management tried to argue that by giving an application for getting the amount for going to Almatti is to be treated as an implied consent of the workman to company to the place of posting. I am not inclined to accept this. This is because one has to go to the place where he is transferred and posted. Then it is possible for him to raise his voice. His action cannot be construed as an implied consent. If he would have kept mum for months together then the question of implied consent would have been accepted. Herein this case the union had raised the voice. Not only that the immediate conduct of the workman thereafter from time to time clearly go to show that he had not given a consent for transfer. It is tried to suggest that previously he had gone to two different places, viz. Bhilai and Kanpur. But the period itself which is given in the written statement in paragraph 12 clearly go to show that he must have gone through only for a couple of days, and it must have been as affirmed by the workman to see the progress of the work there and some compliance. I do not think that at that time the question of transfer was there. It was just like the visit of the place, seeing the compliance there and returning back.

17. The Learned Advocate for the management argued that there is inherent power in the management to transfer its employees at different sites. In view of the fact that it has its different branches. So far as this position is concerned Karan Singh deposed that he is officer and he is required to be transferred from one place to another at companies/offices and sites. His appointment letter is at Exhibit-18/Annex-A, Clause-4 deals with his transfer from one place to another. As that is so he is transferred from one place to another. It is perfectly legal and justified.

18. Prakash Sawant (Ex-14) who was posted at Almatti dam site by an order dated 4th June, 1997 is of grade 'C'. He is also a clerk. But, he accepts that he had given consent for the transfer. Prakash Khamkar (Ex-17) who is also a clerk in the time office affirms that he was transferred to Almatti dam site. It is pertinent to note that his appointment letter Annex-A to Exhibit-17 clearly speaks that he will be required to work at any of the companies sites or establishment as may be required from time to time. If this is so his transfer to Almatti dam cannot be faulted with.

19. Mr. Kulkarni, the Learned Advocate for the union placed reliance on Dainik Navbharat, Jahangir Bagh, Bhopal Vs. Ayodhya Prasad Gupta 1999 II CLR 594 wherein it was

the contention of the workman that he was specifically appointed only for Bhopal office and he cannot be transferred to Nagpur office. The Tribunal came to the conclusion that there is no clause in the appointment letter regarding transfer to any other place and as such his transfer to Nagpur is illegal. Their Lordships upheld that contention stating that if the appointment is for a specific place and there is no clause of transfer then no transfer can take place. I have already given in detail about that in the appointment order of the workman there is no clause of transfer. On the contrary there is a clause of transfer in subsequent appointment and if there is no clause there is a consent of the concerned employee for transfer. As this is so the transfer which is effected in respect of the workman is illegal.

20. It is tried to argue on behalf of the management that the workman is not entitled to any wages. On the principle of 'no work no pay'. It can be seen that the action of the management of transferring the worker is held to be illegal. It reveals from the testimony of the workman that after recovering from the sickness he tried to report to the duty at Byculla on 2-12-97. But, he was not allowed to join the duties. He worked at Byculla office on the basis of the order of the management in view of not getting stay orders from the High Court at the first instance. Therefore it appears that the workman was not ready to obey illegal orders of transfer. It is therefore it cannot be said that the principle of 'no work no pay' is applicable in the present case. The workman accepts that he had received the wages so far as sanctioned leave is concerned and not for the remaining period. It is not in dispute that after 1st September, 1998 the workman is recalled back to byculla and at present he serves there. It is therefore he is entitled to the wages which were not paid to him. In the result I record my findings on the issues accordingly and pass the following order:—

ORDER

The action of the management of M/s. Richardson and Cruddas (1972) Ltd., Mumbai of transferring the workman Shri Unni Nair, from Byculla to Almatti, District Bijapur, Karnataka state is not legal and not justified.

The management is directed to pay wages to the workman from March 1997 to 15th May, 1997 and from October 1997 till 30-9-98.

S. B. PANSE, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 1999

का. मा. 3294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल प्रोविडेंट फंड कमिशनर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-99 को प्राप्त हुआ था।

[सं. एल-42012/108/96-आई आर (जीयू)]

कुल्दीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 22nd October, 1999

S.O. 3294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Provident Fund Commissioner and their workman, which was received by the Central Government on 22-10-99.

[No. L-42012/108/96-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated : 1-10-99

PRESENT:

Justice R. Ramakrishna, Presiding Officer.
C.R. No. 256/97

I PARTY

T. R. Subramanian,
S/o T. S. Raman,
aged about 42 years
Residing at
No. 26 (Upstairs)
Ramakrishna Mutt Road,
Ulsoor,
Bangalore-560 008.8

II PARTY

The Regional Provident
Fund Commissioner-I
No. 13, Rajaram
Mohan Roy Road,
'Bhaviyanidhi Bhavan'
Bangalore-560025.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/108/96-IR (DU) dated 15-7-1997 on the following schedule:—

SCHEDULE

“Whether the Regional Provident Fund Commissioner is justified in dismissing Shri T. R. Subramaniam, UDC Office of RPF, Bangalore, w.e.f. 17-12-1993 on grounds of bigamy and forgery of document? If not, to what relief the workman is entitled for?”

2. On a reading of the schedule the first party was dismissed from service on the charge of bigamy and forgery of document said to have been proved in a domestic enquiry initiated by the second party which was conducted by the then Assistant Provident Fund Commissioner, Shri T. M. Adiga.

3. The undisputed facts are that the first party was appointed on 10-2-75 as an IDC. He was promoted as UDC on 19-3-77. Though he was promoted as a Head Clerk on 5-8-85, in a review of seniority he was reverted back to UDC from 13-10-88.

4. The second party have issued a memorandum dated 10-5-88 after keeping this workman under suspension w.e.f. 23-9-87. In this memorandum, article, of charge was enclosed along with statement of imputations as per Annexure II under Article I the charge

was that this workman during January 1987 found guilty of a serious act of misconduct, he having married Smt. G. Lalitha at TTD Kalyana Mantapam, Tirumala Tirupathi on 14-9-86 had contracted another marriage with Smt. A. Vasantha on 23-1-87 at Madras. By doing so, he has contravened sub-rule (2) of Rule-21 of CCS (Conduct) Rules, 1964 which are applicable to the employees of Provident Fund Organisation by virtue of Regulation 27 of EPF (Staff and Conditions of Service) Regulation 1962. Under Article 2 the charge is that this workman made use of a fabricated document purported to have been issued by and on behalf of the Regional Provident Fund Commissioner, Karnataka for the purpose of misleading his wife Smt. G. Lalitha and thereby violated clause I & III of sub-rule (1) of Rule III of CCS Rules, 1964.

5. The first party submitted a detailed explanation dated 29-6-88 and 1-9-88 denying the allegations made against him. He denied any marriage with Smt. G. Lalitha by contending he got married for the first time to Smt. A. Vasantha at Madras.

6. Sometime abnoxious circumstances were placed to show that he has not married G. Lalitha as she belongs to Mudiari community whereas the first party belongs to Brahmin community. It is also made out that the documents relied by the said lady to prove the marriage at Tirupathi are got up documents. He has not denied a long friendship with this lady as they appeared to be college mates also. With regard to forgery he has denied out right the said allegation.

7. This workman fought with tooth and nail in the domestic enquiry on several issues such as non payment of subsistence allowance, not allowing him to examine his witnesses so on and so forth.

8. The enquiry Officer submitted his report concluding that Smt. G. Lalitha is his first wife and therefore, he has committed Bigamy by marrying Smt. A. Vasantha. He also gave a finding against this workman with regard to Article II i.e. forgery. The management accepted this finding and dismissed him from service.

9. Since the first party disputed the validity of DE we have framed a preliminary issue on a later stage as initially this position of law was ignored. After framing this issue the second party examined the Enquiry Officer and this workman was examined himself. We have assessed the evidence on this issue to a limited extent to decide this issue in favour of the management. This was found necessary in view of a very important question of law involved in this dispute.

10. After deciding the preliminary issue the learned advocates are permitted to argue the case on its merits. The learned advocates preferred to submit written arguments with supporting judgements. The first party also filed a judgement of a family court in OS No. 106/91 pronounced on 11-2-99.

11. Now the important questions that requires considerations are:—

- (1) Whether the second party was competent to institute a domestic enquiry to prove the allegation of Bigamy?

(2) Whether the enquiry officer was competent to give a finding on this issue by deciding the disputed marriage as an admitted marriage?

(3) Whether the judgement of the family court is binding against the order of the enquiry officer?

12. Points 1, 2 and 3.—Act of Bigamy is punishable under criminal law under Section 494 of IPC as it opposes to public morale unless a custom permits for the same.

13. Rule 21 under CCS (Conduct) Rules reads as follows:—

(1) No Government Servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government servant having a spouse living shall enter into or contract, a marriage with any person:

Provided that the Central Government may permit a Government Servant to enter into, or contract any such marriage as is referred to in clause (1) or clause (2), if it is satisfied that—

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage and

(b) there are other grounds for so doing.

(3) A Government Servant who has married or marries a person other than of Indian nationality shall forthwith intimate the fact to the Government.

14. There was some amendment made to this rule where a new entrant shall give a declaration about his marital status.

15. The records disclose that the Disciplinary Authority after satisfying himself by personal enquiry and after securing the documents ordered for conducting a domestic enquiry.

16. The workman resisted the initiation of domestic enquiry and he was also filed an application before the Central Administrative Tribunal, Bangalore in application No. 85/91 for a direction/order to quash the departmental enquiry or to expedite it. The learned members of the tribunal have disposed the application while giving a direction to decide the same expeditiously.

17. In *M. S. Marin Vs. Union of India and others* Rule 21 of the CCS (Conduct) Rules was examined in respect of enquiry jurisdiction of enquiry officer to go into the question of misconduct on ground of second marriage. In the preamble of the judgement a learned single judge of Delhi High Court held :—

“The sine qua non of an enquiry on the ground that Rule 21 of the Conduct Rules has been violated is that the government servant concerned contracts a second marriage without permission from the appropriate authorities

despite the first marriage of the previous marriage subsisting. If such a situation is admitted to exist Rule 21 is obviously violated. But if the plea is that the previous marriage does not subsist, the enquiry cannot proceed without a competent finding as to the subsistence of the previous marriage. The enquiry officer would have no jurisdiction to go into matters which affect civil rights. The only situations in which an enquiry as to the violation of Rule 21 can proceed departmentally or in what are called disciplinary proceedings are :—

(a) Where subsistence of the first marriage is admitted.

(b) Where subsistence of the first marriage can be established without entering into complicated questions of law and fact.

(c) Where a court of competent jurisdiction has held that the previous marriage subsists and

(d) The dissolution of the previous marriage alleged by the officer/official charged with violation of Rule 21 can on the very face of it be held to be a false plea.

In all other circumstances an enquiry as to the subsistence or dissolution of a previous marriage would so adversely affect civil rights of parties that it cannot be held that such an enquiry would be competent on a charge under Rule 21 being preferred.

18. The learned judge also dealt with the constitutional validity of Rule 21.

19. In the above decided case the workman has contended that he has divorced his first wife Smt. Surjeet Kaur under the governing custom prevailing in their community. After about 6 years he married a staff nurse who was working along with him. Though this ground was taken, the domestic enquiry was conducted to give a finding against the petitioner. Therefore, the learned judge gave the decision that when the petitioner has raised the contention that he divorced his wife under a customary law it is not competent for the enquiry officer to go into that matter which will affect the civil rights of the petitioner.

20. This case is in no way different in principles. The workman has denied the very factum of the alleged first marriage by confining himself to a later marriage which according to him in the first marriage. When the matter is agitated on this ground the Disciplinary Authority had no competency to appoint an enquiry officer to conduct an enquiry and to give a finding on the completed questions of law and fact.

21. This workman has produced a judgement of the family court in OS 106/91. In this case he has impleaded Smt. G. Lalitha, the alleged first wife who is responsible to initiate a domestic enquiry against him and the prayer of this workman was a declaration that Smt. Vasantha daughter of Shri K. V. Arunachalam, is the legally wedded wife of the plaintiff and defendant is not the legally wedded wife of plaintiff and also for declaration that no marriage has taken place between the plaintiff and the defendant on 14-9-86. The learned

judge of the family court exercising her power and civil jurisdiction after recording the evidence of the parties concerned allowed the suit of the I party and gave a declaration as prayed for. A decree was also drawn to this effect.

22. The learned advocate for the second party has not disputed the judgement of the family court. No doubt the second party is not one of the party in the suit in OS No. 106/91. In the written arguments of the second party, the learned advocate confined himself to the merits of the dispute before the enquiry officer and how the finding of the enquiry officer does not suffer from any legal infirmity. Of course the learned advocate placed reliance to the judgement of Supreme Court in State of Rajasthan V/s. B. K. Meena and others reported in 1996, 6 SCC 417. In this decision the learned judge of the Supreme Court refused to stay the disciplinary proceedings till the conclusion of criminal trial as the officer involved was an IAS officer against whom misappropriation of a huge amount to the tune of Rs. 1.05 crores were alleged. Therefore stay of Disciplinary proceedings issued by the CAT was held to be unsustainable.

23. We have no quarrel over the position of law when a matter is required to be decided in a domestic enquiry and also before the criminal court on identical charges. In this case the police have not initiated any case for Bigamy and the police started investigation on the allegation of Article 2 i.e. forgery.

24. What we are concerned here is whether the order of the family court passed in exercising the civil jurisdiction is binding on the findings of the enquiry officer? The answer should be affirmative. A judgement of a Civil Court is a judgement in re and whereas the finding of the enquiry officer is to be considered as judgement in persona, on this analogy of law I have no hesitation to hold point 1 and 2 in negative and Point number 3 in the affirmative. In the result I make the following order:—

ORDER

The second party are not justified in dismissing the services of this workman on the allegation of Bigamy and forgery. The first party is entitled for reinstatement and continuity of service. Since the second party have initiated the domestic enquiry with bonafide information and they had jurisdiction, we cannot burden them to pay the back wages in full but taking into consideration the hardship and agony this workman undergone in all these years, the second party are directed to pay the back wages at 25% of last drawn salary from the date of his suspension till his reinstatement.

(Dictated to the FA transcribed by her, corrected and signed by me on 1-10-99).

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 22 अक्तूबर, 1999

का. आ. 3295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सीरियन बैंक लिमिटेड के प्रबन्ध-

तंत्र के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, पलाकड के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-1999 को प्राप्त हुआ था।

[सं. एल-12012/245/94-आई आर (बी.-1)]

जी. रॉय, डेस्क अधिकारी

New Delhi, the 22nd October, 1999

S.O. 3295.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Palakkad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Catholic Syrian Bank Ltd. and their workman, which was received by the Central Government on 21-10-1999.

[No. L-12012/245/94-JR(B-1)]

G. ROY, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, PALAKKAD

(Friday, the 24th September, 1999)

Present :

Shri B. Ranjit Kumar, Industrial Tribunal.
INDUSTRIAL DISPUTE NO. 11/96(C)

BETWEEN

The Chairman, Catholic Syrian Bank Limited,
H.O., St. Mary's College Road, Thrissur-
680 020.

(By Adv. M. Venugopalan)

AND

(1) The General Secretary, Catholic Syrian Bank
Staff Association, Thrissur.
(By Adv. K. K. Premlal)

(2) The General Secretary, The Catholic Syrian
Bank Employees Union, Thrissur.
(By Adv. Sreekumar Puthezath)

AWARD

Government of India, Ministry of Labour as per Order No. L-12012/245/94-JR (B-I) dated 27-2-96 referred the following issues for adjudication :—

“Whether the action of the management of Catholic Syrian Bank Ltd. in changing the promotion policy for promotion as officer from the clerical cadre is legal and justified? If not, to what relief are the workmen entitled?”

2. This industrial dispute has arisen as a result of the issuance of notices dated 19-11-93 and 21-12-93 by the management-bank under Section 19(2) and 9-A of the Industrial Disputes Act, 1947 respectively, by which the management-bank proposed to change

the promotion policy for promotion from the clerical cadre to the officers cadre. The management has been following certain procedures for promotion based on its circular dated 4-7-80 which forms part of settlement dated 12-11-80. The management now wants to terminate Cl. 4(ii) of the said settlement which governs the promotion from clerical cadre to officers cadre.

3. The Catholic Syrian Bank Employees Union (CSBEU) and the Catholic Syrian Bank Staff Association (CSBSA) filed their claim statements dated 3-6-96 and 17-8-98 respectively. The management filed separate written statements dated 15-3-97 and 18-9-98 refuting the averments contained in the above two claim statements. In reply to the written statement dated 15-3-97, CSBEU has filed rejoinder dated 5-5-97.

4. Though all the parties submitted on 12-10-98 that they did not want to adduce oral evidence, the management and CSBSA later examined one witness each as MW1 and WW1 respectively. Ext. M1 to M4 and Ext. W1 to W3 documents were also marked on their sides.

5. The existing promotion policy for promotion from clerical to officers cadre as agreed upon as per Cl. 4(ii) of Ext. W1 settlement dated 12-11-80 is as follows :—

"4. Promotion policy :

1. Promotion to Officer's Cadre

(i) Relatively between promotion and direct recruitment :

It is mutually agreed that 75% of the posts falling vacant in the Officer's Cadre will be filled up by promotion and the balance of 25% alone will be filled up by direct recruitment.

However, having regard to the comparatively low percentage of degree holders amongst the clerical staff, it is mutually agreed that the percentage of direct recruitment shall be 30% of the total for the next 3 consecutive recruitment.

(ii) It is mutually agreed that the norms and methods of selection in the matter of promotion contained in Bank's Circular No. : 129/80 dated 4-7-80, a copy of which is annexed hereto as Annexure 'B' shall continue to govern the promotion from the clerical cadre to the Officer's cadre."

As per the above, Clerical staff members who have completed four years of service in the clerical cadre were made eligible to participate in the promotion process. Non-matriculants will be eligible to appear for the test only if they have passed part 1 of C.A.I.B. Examination. The distribution of marks prescribed in the above Circular is as follows :

- | | |
|---|------------|
| (i) Duration of service (2 marks for each year of service) | : 40 marks |
| (ii) Educational qualifications (Graduation 4)
C.A.I.B. Part 1-2 C.A.I.B. Part II-4) | : 10 marks |
| (iii) Written test | : 45 marks |

(iv) Past performance : 5 marks

TOTAL : 100 marks

Those who secure less than 35% marks (15-3/4 = out of 45) in the written test are not eligible for promotion.

6. As per Ext. M5 conciliation settlement dated 22-10-93 also it was agreed upon to promote 114 persons from clerical cadre in terms of above promotion policy.

7. The contention of CSBSA is that immediately after signing Ext. M5 conciliation settlement dated 22-10-93, the management issued Ext. M1 notice dated 19-11-93 to terminate Cl. 4(ii) of Ext. W1 settlement dated 12-11-80 without stating any reason and hence Ext. M1 notice is illegal, unenforceable and issued without any bonafide.

8. Ext. M1 notice dt. 19-11-93 has been issued under Sec. 19(2) of the I.D. Act. A reading of Sec. 19(2) does not indicate that it is mandatory to state reasons in the notice for termination of a settlement. It is now well settled that a settlement will continue to operate even after service of such notice and lapse of two months subsequent thereto contemplated under Sec. 19(2) or notice proposing change in conditions of service under Sec. 9-A and terminates only when replaced by another settlement or award (See : L.I.C. of India Vs D. J. Bahadur-1981 SCC (L&S) 111). A settlement or award is proceeded by conciliation or adjudication proceedings. Therefore, no prejudice will be caused to the unions for non-supply of reasons in a notice issued under Sec. 19(2), as they will get an opportunity to know the reasons at the time of conciliation or adjudication proceedings. In the present case, the management-bank has issued Ext. M3 notice dated 21-12-93 also under Sec. 9-A, in which specific reasons have been stated for changing the existing promotion policy. Therefore, I am of the view that Ext. M1 notice issued under Sec. 19(2) of the I.D. Act cannot be held as vitiated on the ground of non-supply of reasons.

9. The fact that Ext. M1 notice was issued immediately after signing Ext. M5 conciliation settlement dated 22-10-93 is also not a ground to invalidate Ext. M1. From the minutes of discussion dated 24-5-93 produced by CSBEU, it is observed that the management had already raised the issue of changing the promotion policy much prior to Ext. M5 settlement dated 22-10-93. Merely because the management has agreed to promote 114 persons in accordance with the existing promotion policy by signing Ext. M5 settlement, it cannot be held that the management had withdrawn the above issue or that the management is estopped from raising the issue again. Therefore, the above technical objections raised by CSBSA are found to be unsustainable.

10. The reason stated in Ext. M3 notice for changing the promotion policy is that under the existing policy because of seniority in service, several persons overcome those who are more competent on the basis of merit and qualification and this has adversely affected the better working and image of the Bank and hence for improving the quality, working and image of the Bank it is necessary to effect the promotion to officers cadre from clerical cadre by introducing two

channels viz. Seniority Channel and Merit Channel. Out of the total identified promotion posts 20% is reserved under seniority channel for clerical staff having 20 or more years of service and 80% under merit channel for those who do not come under seniority channel. The proposed weightage for factors relevant for promotion is as follows :

Sl. No.	Factor	Channel	
		Merit	Seniority
1.	Educational Qualification	10	10
2.	Past Performance	10	10
3.	Service	20	40
4.	Written Test	60	—
5.	Interview	—	40
Total		100	100

11. CSBEU and CSBSA would submit that all the achievements made by the Bank during the past several decades were through the officials who have been promoted as per the existing promotion policy and hence there is no need to change the same.

12. The learned counsel for the management admitted that while all other banks with head office in Kerala were able to declare dividend to shareholders, the Reserve Bank of India refused permission to declare dividend by the management-bank in view of its poor performance. The management has not placed any material to substantiate the above averment. Even assuming that the overall performance of the management-bank is not upto the standard of other private sector banks, it cannot be held that the junior officers (Grade I Supervisory Cadre) who were promoted for clerical cadre in accordance with the existing promotion policy alone are responsible for the same. As rightly pointed out by the CSBEU in its Ext. M6 letter dated 5-4-94, the Junior Officers are not directly involved in building up of image of the Bank, as they are placed in Grade-I Supervisory Cadre. The learned counsel for the CSBSA also submitted that these junior officers are only glorified clerks doing only clerical works and they have no role in the policy making process which is the responsibility of Senior Officers who can be appointed by the Bank by any mode of selection either by promotion or direct recruitment. I am in agreement with the above submissions made on behalf of the unions.

13. However, when banks are undergoing rapid reforms and they have already moved into technology of the 21st Century, the management-bank cannot be found at fault in insisting that its officers of all levels should keep certain standards in their performance. No doubt, by change in the promotion policy better work performance can be achieved among the promotee officers. Therefore, I find that reasonable changes in the existing promotion policy are warranted. In fact the unions have not raised any objection against such reasonable changes.

14. Therefore, the point to be considered in this dispute is whether the changes in the promotion policy proposed by the management as per Ext. M3 notice are reasonable or whether they are in the interest of both the management and the employees.

15. As per Ext. M3, the employees who have been punished will not be eligible for promotion for a period of two years from the date of imposition of punishment by the Disciplinary Authority. According to CSBSA, this will amount to an additional punishment or double punishment for the same misconduct. I am unable to agree with the above submission of CSBSA. In *L. Rajaiah V/S. I. G. of Registration & Stamps 1996 SCC (L&S) 883*, the Supreme Court has held that even though the penalty imposed on an employee was that the stopping of increment and not that of withholding of promotion, currency of the former penalty would disentitle him to be considered for promotion. In *P. N. Devarajan V/S. Rubber Board 1997(2) LLJ 45* Kerala High Court has also taken the same view. Normally, the punishment other than dismissal is awarded by taking lenient view and giving the delinquent employee to correct himself. Therefore, the management must get an opportunity before promoting such a person, to watch his performance and satisfy that he has shown improvement in his conduct and performance. I, therefore feel that postponement of promotion for two years is only a reasonable proposal.

16. In principle, CSBEU and CSBSA are not against the introduction of merit channel and seniority channel for promotion. However, both of them have strongly objected to conducting interview for promotion under seniority channel. The contention of CSBSU and CSBSA is that by allotting 40 marks for interview and 10 marks for past performance, the intention of the management is to promote only those persons who are in its good book. On the other hand, the learned counsel for the management submitted that the marks for various factors for seniority channel were allotted keeping in mind the following observations contained at Para 529 of the Sastry Award :—

“While there is no doubt that seniority in service should be one of the most important factors to be taken into account for the purpose, we are unable to agree that mere length of service alone irrespective of efficiency, educational qualifications, character and nature of responsibility required in connection with the vacancies to be filled in should be the sole or even the main criterion for promotion.”

17. As rightly pointed out in Sastry Award, promotion could not be made automatic based on seniority alone and the management should be free to assess the various other factors. But I am of the view that when the issue as to the promotion policy is left for the scrutiny of an adjudicator, it is his duty to ensure transparency in selection process for promotion and that there should not be any room for apprehension among the employee that the management has exercised its discretion in this regard in an arbitrary manner.

18. As per Ext. M3, the entire vacancies coming under seniority channel are reserved for promotion of clerical staff having 20 years service or more. Accord-

dingly, only persons having not less than 20 years service alone are eligible to be considered under seniority channel and the weightage for service will be 2 marks each for each completed year of service including period of probation in clerical cadre, subject to a maximum of 40 marks. It would be observed that the marks allotted for service under seniority channel have no significance as all candidates coming under this channel will get uniform mark of 40 for service. These persons need not participate in the written test, but they will be subjected to an interview in which a maximum of 50% marks i.e. 20 out of 40 marks is to be scored to become eligible to be considered for promotion. In interview, the interviewer is free to ask any kind of questions to the candidates and it will not be possible to formulate guidelines for awarding marks. The learned counsel for the management submitted that interview is intended to test the personality and other qualities of the candidates. In seniority channel, the selection of promotees solely depends on the marks scored in the interview and it will be possible for the management to select only those persons who are in their good book by exercising unguided discretion in the matter of allotment of marks for interview. It is pertinent to note that as per Ext. M3, 80% of promotion vacancies are proposed to be filled up by conducting written test and not by interview. The management has not stated any valid reason for introducing interview. No doubt that written test is better than interview for impartial and complaint-free selection of candidates for promotion. Even assuming that the management could conduct impartial interview and select the best candidates, there will be room for complaints and grievances and hence I feel that it will not be conducive to industrial peace to introduce interview instead of written test.

19. In the light of the aforesaid discussion, I feel that it will not be advisable to introduce seniority channel as proposed by the management. I am of the view that the existing single channel for promotion which is based on merit-cum-seniority is best in the interest of both the management and the employees. There is not much difference between the existing single channel and the proposed merit channel, except the marks allotted for various factors. In view of the recent developments and reforms that have been taking place in the banking sector, it is necessary to make appropriate changes in the matter of giving weightage to various factors viz. service, educational qualification past performance and written test. By and large the marks proposed by the management under merit channel for these factors, except for service, appear to be reasonable. The management has proposed to increase the marks for written test from 45 to 60 and for past performance from 5 to 10. CSBEU and CSBSA have not raised any objection in the above changes proposed by the management.

20. However, the learned counsel for the CSBSA submitted that the written test should be conducted by a reputed outside agency. In reply, the learned counsel for the management submitted that in the past the written test used to be conducted by outside agencies and no union or employee had ever raised any complaint in this regard. Therefore, it can be specified in the promotion policy that the written test will be conducted by a reputed outside agency.

21. Regarding past performance, CSBSA would point out that no scientific standard is fixed in the new promotion policy. However, CSBSA has not suggested any such standard. Past performance is a matter to be assessed by the Managers under whom the concerned employee has worked. It is not possible to specify any standard or guidelines for this purpose. The guidelines for awarding marks for past performance given in Ext. M3 appears to be reasonable.

22. The specific suggestion made by CSBEU in the matter of educational qualification is that the mark for CAIIB-Part II may be retained as four. Under the existing policy, the marks allotted for CAIIB-Part I and Part II are 2 and 4 respectively. In the revised policy, 5 marks is allotted for CAIIB both parts and 2 marks for CAIIB-Part I. I feel that this change is beneficial to the employees.

23. Both CSBEU and CSBSA have raised serious objection regarding the marks proposed for service. As per Ext. M3, under merit channel the maximum marks allotted for service is 20 at the rate of 2 marks each for every completed year of service. Therefore, the maximum service that would be considered for promotion is only 10 years and no weightage is provided for service beyond 10 years. Under the existing policy, weightage for service has been given upto 20 years. I am of the view that there is no justification in not giving weightage for the service ranging from 11 to 20 years. CSBEU in its Ext. M6 letter has suggested to give one mark each to every completed year of service. If this suggestion is accepted, the persons who have completed 11 years or more will get weightage for their service upto 20 years. I am of the view that it will be in the interest of all concerned if one mark each is given for every completed year of service subject to a maximum of 20 marks.

24. The learned counsel for CSBSA pointed out that no appeal provision is provided in Ext. M3 for the redressal of the grievance of the employees who were not selected for promotion. The learned counsel for the management submitted that the aggrieved employees can prefer appeal before the Chairman or Managing Director of the Bank. Since the management has no objection in providing provision for appeal, the same can be incorporated in the new promotion policy.

25. Having given my anxious consideration to various objections and points raised by either side, the promotion policy of the management for promotion from clerical cadre to the officers cadre is hereby finalised and the approved promotion policy is given in Appendix-I and the reference order is answered accordingly.

Dated this the 24th September, 1999.

B. RANJIT KUMAR, Industrial Tribunal

APPENDIX-I PROMOTION POLICY

Procedure for promotion to Officers Cadre from Clerical Cadre.

(1) Eligibility:—

(a) Employees who have completed a minimum of 4 years service in clerical cadre are eligible for promotion to Officers Cadre. They have to appear for the written test and only those who secure a minimum of 40% marks for the written test will be eligible to be considered for promotion. Non-metriculates will be eligible to appear for the test only if they have passed Part-I of CAIB Examination. Period of probation in clerical cadre will also be treated as part of service for the purpose of determining the eligibility.

(b) However, employees who have been punished under disciplinary action will not be eligible to participate in the promotion process for a minimum period of 2 years from the date of imposition of any punishment by the Disciplinary Authority, except in the case of punishment in the form of warning/censure. But, if an employee is punished for a period exceeding 2 years, then he/she can participate in the promotion process, only on the expiry of that period.

(c) Employees against whom disciplinary action is under process can participate in the promotion process, but the results of such persons will be withheld if found eligible for promotion till the enquiry is over. If he/she is exonerated or is punished only with warning/censure, the promotion, if due, will be given with retrospective effect.

(2) Weightage for factors relevant for promotion

Sl. No.	Factor	Marks
I.	Educational Qualification	10
II.	Past performance	10
III.	Service	20
IV.	Written test	60
Total		100

(3) Educational Qualifications :—

Weightage for this factor shall be as shown below :—

Sl. No.	Name of the Degree/ Exam Passed	Weightage (in marks)
1	2	3
1.	Graduation	— 4
2.	CAIB both parts	— 5
3.	CAIB one part	— 2
4.	For every 2-year post-graduate degree/diploma in Business Management, Business Administration, Banking, Commerce, Computer Application, Maths, Physics, Chemistry, Statistics and Agriculture (of recognised universities only)	— 2 (Max)

1	2	3
5.	For other 2 year post-graduate degree/diploma of recognised universities	} — (1 Max.)
6.	ACA/ICWA	
7.	ACQ ICWA Intermediate alone	— 2
8.	Graduation plus LL. B.	— 6
9.	LL. B. after Pre-degree	— 5

(The above marks will be cumulative subject to a maximum of 10.)

(4) Past Performance :

Maximum marks that can be awarded under this head will be 10. This will be based on the averages of marks awarded in the confidential reports as on December 31st every year for the 4 years immediately preceding the written test. If confidential reports for such 4 years period are not available, marks for past performance will be determined on the strength of available reports. The existing format of Confidential Report on Award Staff (as on 31st December, every year) will be modified in such a manner that it contains also the overall rating of the employee expressed in terms of marks as per the following norms :

Rating	Marks (Maximum-100)
Below Average	.. Less than 35
Average	— 35 to 49
Above Average	— 50 to 59
Good	— 60 to 79
Excellent	— 80 to 100

(5) Service :

The eligible marks for each completed year of service (including period of probation) will be one mark each, subject to a maximum of 20 marks.

(6) Written test :

Written test shall be conducted by an independent outside agency.

(7) Appeal :

The rank list of candidates selected for promotion shall be published in the notice board of the Head Office and shall also be circulated in all other offices/branches of the Bank. The persons who are aggrieved by the rank list shall be entitled to prefer appeal within 15 days of publication of rank list before the Chairman of the Bank or such Officer who is appointed as the appellate authority by the Board of Directors. The name and designation of the appellate authority shall be shown in every rank list. The appeals shall be disposed of as expeditiously as possible after giving the appellant an opportunity for personal hearing.

APPENDIX-II

New Delhi, the 22nd October, 1999

Witnesses examined on the side of Management :

MW1—Sri M. Vasudevan.

Witnesses examined on the side of Unions :

WW1—Sri Jimmy Akkarappatty.

Documents marked on the side of Management :

Ex. M1—Notice dt. 19-11-93 issued U|Sec. 19(2) of the I.D. Act.

Ext. M2—Letter dt. 29-11-93 from CSBSA to RLC (Central), Ernakulam.

Ext. M3—Notice dt. 21-12-93 issued U|Sec. 9-A of I.D. Act.

Ext. M4—Minutes of Conciliation Proceedings held on 28-9-94.

Ext. M5—Settlement dt. 22-10-93.

Ext. M6—Letter dt. 5-4-94 from CSBEU to RLC (Central), Ernakulam.

Ext. M7—Letter dt. 29-11-93 from CSBSA to management enclosing settlement dt. 12-11-80.

Ext. M8—Copy of written statement dt. 2-5-94 filed by the management before RLC (Central), Ernakulam.

Ext. M9—Minutes of Conciliation Proceedings held on 28-9-94.

Ext. M10 series—Reports dt. 28-10-94 U|Sec. 12(4) of the I.D. Act.

Ext. M11—Letter dt. 14-12-93 from CSBEU to management.

Documents marked on the side of Unions :

Ext. W1—Settlement dt. 12-11-80.

Ext. W2—Settlement dt. 22-10-93.

Ext. W3—Letter dt. 8-2-94 from CSBSA to management.

नई दिल्ली, 22 अक्टूबर, 1999

का. आ. 3296—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्तर्गत में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, बुधवार, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-1999 को प्राप्त हुआ था।

[सं. एल-12011/13/95-आई आर (बी-1)]

जी. रॉय, डेस्क अधिकारी

S.O. 3296.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India and their workman, which was received by the Central Government on 21-10-1999.

[No. L-12011/13/95-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA,
BHUBANESWAR

PRESENT :

Sri H. Mohapatra, O.S.J.S. (Sr. Branch),
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 48 of 1996 (Central)

Dated, Bhubaneswar, the 11th October, 1999

BETWEEN :

The management of Reserve Bank of India,
Bhubaneswar-751007. ... First Party-
Management.

AND

Their workmen represented through
Secretary, Reserve Bank Ex-Servicemen
Employees Association,
C/o Reserve Bank of India,
Bhubaneswar. ... Second Party-
Workman.

APPEARANCES :

Sri A. K. Sarangi, Asstt. General Manager
For the First Party-Management.

Sri U.K. Sahu, General Secy.
of the Association.
—For the Second Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-12011/13/95-IR(B-I) dated 29-10-96 :—

"Whether the action of the management directing the Security Guards to operate the Water Pump without proper licence is legal and justified? If not, to what relief the Security Guards are entitled to?"

2. The case of the second party, briefly stated, is that it is an Association of Ex-Servicemen in the employment of the first party, duly registered under the Trade Unions Act. The grievance of the second party, the Security Guards is over a direction of the management on them to operate water pumps installed in the office premises and officers quarters at Nayapalli without they having proper qualification and licences. The Dy. Manager of the first party as per the office order No. 204 dated 30-3-94 made an arrangement for operation of the water pumps wherein it was directed that the Security Guards on duty shall operate the said pumps to ensure adequate supply of water and the pre-existing arrangement shall stand withdrawn. In the said order it was made clear that the aforesaid arrangement shall be in operation under the overall supervision of the Security Officer and the Care Taker. According to the second party, as per the qualification prescribed one is eligible for the post of Security Guard in the Bank if he read between the Standard-IV and Standard-VI in the School. No technical qualification for operating electrical machineries and appliances is prescribed for such post. The duties and responsibilities of the Security Guards is to guard the office premises and residential colony of the first party-management and the duty hours are determined by the management on shift basis. As none of the Security Guards has any technical qualification or licence for operating electrical machineries, the direction to discharge the additional duty is not lawful and justified. The water pumps installed in the office premises and residential colony range from 5 H.P. to 20 H.P. and Rule 3(2) of the Indian Electricity Rules, 1966 prohibits engagement of persons in jobs incidental to generation, transformation, transmission, conversion, distribution or use of energy unless he is competent to perform the duties assigned to him and possesses appropriate certificate of apprenticeship or permit. In view of such statutory stipulation the services of the Security Guards cannot be utilised for operation of the Water pumps it is pleaded. Being aggrieved by the aforesaid decision of the management the Security Guards so also the Union protested before the Chief Electrical Inspector of Orissa who in turn directed the first party to engage qualified and authorised persons having valid permit for operation and maintenance of electrical installations. The local management referred the issue to the Central Office, Bombay. The Dy. Electrical Inspector in his letter No. 2256 dtd. 23-5-94 directed the first party to take steps for compliance of the instructions issued so that the provisions of the Rules are not violated. The second party-Union raised a dispute before the management and on 22-4-94 requested the Regional Labour Commissioner to take action for conciliation. Conciliation was gone into but the management did not agree to change the arrangement hence the reference. It is pleaded that the orders directing the Security Guards to operate pumps is violative of the service conditions of the Guards and constitutes a change in the said service conditions. It is pleaded that when law does not authorise a person to do certain acts the management in its sweet-will cannot force the workmen to do such acts. It is pointed out that the work of operation of water pumps is highly technical and contains risks and therefore, only qualified and skilled workers having

valid licence can be directed to operate pumps. With the poor educational qualification below M. E. standard and without any technical qualification the Security Guards cannot be asked to do the job of pump operation over and above their duties. The job of a Guard is distinctly different from that of Pump operation which is highly complex and therefore, both cannot be combined. On these premises, the members of the second party contend that the direction issued by the management to the Security Guards to operate water pumps is not legal and justified.

3. The first party-management entered contest and challenged the maintainability of the dispute espoused by the second party-Union which according to them is not a recognised union. Pleading non-maintainability of the reference, it is stated that as the dispute does not pertain to the terms and conditions of service, it is not an industrial dispute. It is pleaded that though the Security Guards are appointed primarily for guarding bank's properties in the office and colony with a view to ensuring regular supply of water to the members of staff the work of operation of pumps was entrusted to them on payment of a special allowance of Rs. 40/- per month over and above their usual wages. It is pleaded that such arrangement is prevalent in all the branches of the bank except in the offices at Calcutta, Guwahati and Kanpur where the job is done by other Class-IV employees. The job of switching on and off the lights on the gates and stair case and operation of pumps which was subsequently added does not constitute a change in the conditions of service. The plea of the second party that switching off and on the pumps is a complex act and that it involves risks are denied. Thus, while denying the averments made in the claim statement regarding the alleged illegality in engagement of the Security Guards in operating the water pumps, it is contended that the arrangement made for operation of the pumps is for administrative convenience without hampering the duties of the Security Guards. They being paid additional allowance in addition to their monthly remuneration have no reason to feel aggrieved, it is pleaded. While admitting the installations of the pumps of the capacities as described, it is contended that the operation of the pumps by switching the push bottom switches as devised by the management requires no technical skill for less does it involve any risk to the Security Guards. The management thus has pleaded that it is within its competence to direct the employees to perform additional duties and when for the same they are paid they cannot have any grievance. The management has squarely denied that alleged adoption of unfair labour practice as also the violation of Articles 14 and 23 of the Constitution of India.

4. On the aforesaid pleadings of the parties, the following issues are settled :—

ISSUES

1. Whether the action of the management directing the Security Guards to operate Water Pump without proper licence is legal & justified ?
2. If not, to what relief the Security Guards are entitled to ?

ISSUE NO. 1

5. In the hearing of this reference the management examined the Asstt. Engineer employed in the Bank as M.W. No. 1. The Asstt. General Manager In-charge of Administration and Personnel of the Bank was examined as M.W. No. 2. As against the oral evidence of the management the second party examined the Secretary of the Association as W.W. No. 1 together with a serving Security Guard examined as W.W. No. 2. Both the parties adduced documentary evidence. The grievance of the second party-workman comprising of the Security Guards of the Reserve Bank is that as per an order marked Ext. 1 dtd. 30-3-94 they were asked to operate the water pumps to ensure adequate water supply. The pre-existing arrangement of operation of the water pump by Mazdoor-cum-Wireman, Plumber-cum-Mason and Sub-station Attendant was done away with in the said order passed by the Dy. Manager. In consideration of the additional work entrusted the Security Guards operating the pumps were offered a special allowance of Rs. 40/- per month on prorata basis. In consequence of such orders, as per Ext. 2, an office order, the Security Guards were called upon to carry out operation of the water pumps and to take precautions to ensure effective water supply and the Security Officer/Care Taker were required to be contacted in case of any difficulty in the execution of the job. It is revealed in the evidence of W.W. No. 1, the Secretary of the Association that in accordance with the order, Ext. 1 the Security Guards deployed in the office premises and the officers quarters at Nayapalli were required to operate the pumps. He further clarified his version in the foregoing paragraph of his evidence in chief when he stated that the practice of operation of the pumps in the office and in the colonies at Nayapalli and Baramunda has since been discontinued while it is in progress in the colony in Unit-IV, Blubaneswar. It transpires in the version of W.W. No. 1 that they made a grievance before the Chief Electrical Inspector, Orissa alleging that the office order contained in Exts. 1 and 2 were unauthorised and the Electrical Inspector in turn made correspondences with the Manager, Reserve Bank of India wherein he stipulated that qualified and authorised persons having proper permits may be utilised for the purpose of operation and maintenance of electrical installations. A copy of the letter is marked as Ext. 8. Ext. 3 was followed by another letter of the Dy. Electrical Inspector marked Ext. 4 demanding compliance of the observations communicated as per Ext. 3. It is elicited in the evidence of W.W. No. 1, so also, in the version of W.W. No. 2, who is a Security Guard himself that the practice of Security Guards operating the water pumps is in vogue since 1980. W.W. No. 1 contradicted the plea of the management that the switches with which the pumps are operated are of 220 Volt. In other words, while M.Ws. 1 and 2 consistently deposed to the fixing of push bottom switches connecting the pump for facilitating its operation away from the pumps and live wires, the version of the workmen is that the pumps installed are with the capacity between 5 H.P. and 20 H.P. and the switches fixed to them are of 440 Volt. W.W. No. 2 admitted that ever since his joining the Bank in 1982 as a Security Guard he has been operating the pumps. Accord-

ding to him, there are four pumps in Unit-IV, Bidyut Marg where admittedly pump house is located at a distance of 50 yards from the gate. In an effort to explain away the delay in making the grievance over the entrustment of the additional job which is said to be in conflict with the primary job of Security Guards to maintain the security of the area in which they are deployed he deposed in cross-examination that as they are ex-defence personnels they are habituated to obey orders. M.W. No. 1, Electrical Engineer who claims himself to be an expert in the line deposed that the switch system has been introduced in 1996 to make the job of Security Guards easy and by installing such push bottom switches the work of switching on and switching off the pumps has become less hazardous. As per the arrangement the workmen are not required to come in contact with the pumps and the job of switching on and off the water pumps does not come within the ambit of Rule 3(2) of the Indian Electricity Rules. M.W. No. 2 representing the management deposed that while in Bidyut Marg colony the Security Guards are switching on and off the water pump and when in 1994 they wanted to introduce the practice in the office building and in Nayapalli colony the union of workman raised an industrial dispute. An enquiry was caused by the designated engineer-cum-Dy. Electrical Inspector as per Ext. G in the year 1995 and that they gave their reply thereto as per Ext. H wherein they stated inter alia that the starting and stopping of the pump is done through push bottom starters only. Turning to Rule 3(2) of the Indian Electricity Rules, 1956 it may be noted that it prescribes that no person shall be authorised to carry out duties incidental to the generation, transformation, transmission, conversion, distribution or use of energy unless he is competent to perform the duties assigned to him and possesses either an appropriate certificate of competence or a permit to work. According to the management they having explained their position in the letter marked Ext. H there survives no genuine grievance of the second party-workmen who are being paid separately for the additional duty entrusted to complain about the desirability of asking them to operate the pumps. Letters of precautions are exhibited which are preventive measures to be taken while operating the pumps. In view of the installation of the switch bottom system away from the motors and live wires and the past history of operation of pumps by the Security Guards extending to two decades as admitted by the workmen there is no gain saying that they are award hands to operate pumps. It is a matter of common knowledge that operation of domestic pumps installed in residential houses is done by the landlord and the members of his family as per requirement. It is amply clear in the evidence that services of lesser beings namely, Mazdoor-cum-Wireman, Plumber-cum-Mason and Sub-Station Attendant were being utilised for operation of pumps who having been withdrawn the work was given to the Security Guards. M.W. No. 2 further admits that they have received no complaint alleging violation of the Electricity Act and the Rules after they furnished their reply as per Ext. H. It is in the evidence that it is a matter of administrative convenience that the Security Guards who are available round the clock on duty to operate the pumps. He admitted

about the break downs but does not attribute it to any act of incompetence of the Security Guards in operating the Pumps. Both the witnesses of the management have denied the plea of the workmen in cross-examination that the Security Guards are required to enter the Pump house. It is elicited in the evidence of W.W. No. 1 that the Security Guards are not to bother about the adequacy of water supply to the colony and it is in the evidence of W.W. No. 2, the Security Guard that there occurs four to five break downs in the water pump every year and they approach the Care Taker-cum-Electrician when there is a major problem. In the face of the evidence adduced by the parties, it is hard to accept the version of the second party that the entrustment of the work of operation of water pumps in the manner required of them is any way violative of Rule 3(2) of the Indian Electricity Rules or any of the provisions of the Electricity Act. In answer to hazards and risks apprehended, the version of the workmen is free of identification of a solitary incident of an accident having taken place in the operation of water pumps by the Security Guards since the year 1980.

7. A conflict in the job of security with the operation of the water pump, the additional job entrusted to the Security Guards, is suggested in the evidence. In other words, it is pointed out that should the gate be closed by the Security Guards to operate the water pumps there is likelihood of inconvenience to the residents and in case the gate is kept open during the period, it may pose threat to their security. There is no specific evidence as to the time consumed in switching off and on the water pumps which as per the evidence are to operate round the clock. The argument advanced on behalf of the workmen that entrustment of the work of operation of pumps to the Security Guards results in the security being put in a back seat is liable to be rejected as a mere rhetoric without any incidence of any lapse in the security in the past. On the other hand the Security Guards being available at the gate are the most convenient persons to be utilised for the purpose and an additional remuneration takes care of the additional responsibility entrusted to them. It is revealed in the uncontroverted version of M.W. No. 2, the Dy. General Manager that all over the country except in Guwahati, Kanpur and Calcutta the work of switching off and on of the water pumps is performed by the Security Guards. Short of any definite finding of illegality despite complaints made in that behalf the apprehensions of the workmen that the operation of the pumps by the Security Guards who do not have a licence or permit is illegal seems nightmarish. Consistent with the version of W.W. No. 2, the Security Guard it is elicited in the evidence of M.W. No. 1 by the workmen that should there be any difficulty in the operation of pumps the Security Guards are obliged to contact the Care Taker in the colony. There thus appears neither any hazard nor any incompatibility in the engagement of the Security Guards in the operation of water pumps. In this context it may be worthwhile to refer to a decision of the Supreme Court in *Ghatge & Patil Concerns' Employees Union Vrs. G. & P. (Transport)*, reported in 1968 (1) J.L.J. page-566. It is contended on behalf of the management that it is free to arrange its business to avoid the Regulatory law and the penal conse-

quence by adopting devices whereby the Regulatory law can be avoided. It is not controverted that push bottom switches have been installed to dissociate the motor and pump from the switch which is of low voltage involving no risk. Re-organisation of business is a managerial discretion and no malafide can be attributed to it even if it results in retrenchment of workmen. The Tribunal does not have the jurisdiction to go into the question as to the propriety of such re-organisation of business and the consequences that flow. Having in view the law laid down as aforesaid no fault can be found with the management in engaging the Security Guards in the operation of water pumps.

9. Payment of special allowance of Rs 40/- per month for the additional job is not disputed. According to the management the determination of the special allowance on pro-rata basis has been done in accordance with an understanding reached with the Federation way back in 1980. Time has changed and wages have gone up many fold in the past nineteen years. It may therefore be not too early for the management to review the rate of special allowance being paid to the Security Guards for the additional work of operation of water pumps which though not hazardous or risky is onerous.

10. To conclude, it is held that there is no illegality or unjustifiability in engaging the Security Guards in the job of operation of water pumps despite the fact that they do not have a licence to operate electrical equipments.

ISSUE NO. 2 :—

11. In view of the findings in the foregoing issue, I am inclined to hold that the second party-workmen are not entitled to any relief. Their claim for enhancement of special allowance for doing the additional job is left open to be settled by the management.

The reference is answered accordingly.

H. MOHAPATRA, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 1999

का. आ. 3297.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार फेडरल बैंक लिमिटेड के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्वय, में निविष्ट श्रीयोगिक विवाद में श्रीयोगिक अधिकरण तमिलनाडु के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-1999 को प्राप्त हुआ था।

[सं. एल-12011/35/96-आई आर (बी-1)]

जी. रॉय, डेस्क अधिकारी

New Delhi, the 22nd October, 1999

S.O. 3297.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Tamil Nadu as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Federal Bank Ltd., and their workman, which was received by the Central Government on 21-10-1999.

[No. L-12011/35/96 IR(B-D)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU

Thursday, the 29th day of July, 1999

PRESENT :

THIRU S. ASHOK KUMAR, M.Sc. B.L.

Industrial Tribunal

INDUSTRIAL DISPUTE NO. 34 OF 1998

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Federal Bank Ltd. Alwaye)

BETWEEN

The workmen represented by
The Vice President, Federal Bank Employees Union,
Central Office, P.B. No. 10, Alwaye-683 101.

AND

The Chairman,
The Federal Bank Limited, Head Office,
ALWAYE-683 101.

REFERENCE :

Order No. L-12011/35/96-IR(B-1) dated 3-2-98 Ministry
of Labour, New Delhi, Govt. of India.

This dispute coming on for final hearing on Thursday, the 24th day of June, 1999, upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru V. S. Ekambaram, authorised representative for the workmen and of Tvl. R. Sreekrishnan, and S. Krishnamoorthy, advocates appearing for the management and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of the Federal Bank Limited, Alwaye in changing the working hours of their Thirumangalam branch from 8.30 a.m. to 3.30 p.m. to 9.30 a.m. to 4.30 p.m. with effect from 4-12-95 without complying with Section 9A of I.D. Act is justified or not?"

2. The main averments found in the claim statement of the petitioner are as follows :

The respondent bank changed the working hours of Thirumangalam Branch, Chennai-40 from 8.30 A.M. to 3.30 P.M. to 9.30 A.M. to 4.30 P.M. on working days and on Saturday's 8.30 a.m. to 12.30 p.m. changed as 9.30 a.m. to 1.30 p.m. in violation of Section 9A of the I.D. Act. Such change was effected w.e.f. 4-12-1995. The award staff attached to the said bank as well as the Union objected to such a change of timings. The respondent failed to consider the said representation and therefore the Union raised the Industrial Dispute before the Labour Commissioner, Chennai. The Conciliation ended in failure. The 4th Schedule of the I.D. Act 1947 enumerates the list of conditions of service for change of which notice is to be given. The change in service condition contemplated/effectuated does not come under any of the exceptions specified in Clauses (a) and (b) of the Proviso of the Sec 9A of the I.D. Act. The unilateral change brought about in the working hours has taken away the right and opportunity to the workmen to consider the effect of the change and also to present the point of view about the change. The respondent asserted that determining the timings of a branch is one of the management's functions and does not require notice

of change stipulated u/s 9A of the I.D. Act. The petitioner prays to pass an Award directing the respondent to adequately compensate the employees of Thirumangalam Branch besides restoring the working hours prevailed prior to 4-12-95.

3. The main averments found in the counter statement of the respondent are as follows :

Originally, the Thirumangalam Branch working hours was from 8.30 a.m. to 3.30 p.m. on Week days with a recess of half an hour for lunch and on Saturdays from 8.30 a.m. to 12.30 p.m. It was originally a residential centre. The area has subsequently become a commercial area and a number of establishments came into existence. The timings were not quite suitable for the customers as many shops and establishments open their shops/office at 9.30 a.m. The business transacted during 8.30 a.m. and 9.30 a.m. was quite meagre. Therefore, in order to cater to the needs of the commercial clients and residential clients also to improve the business transactions and utilise the manpower effectively, it was decided to change the working hours as 9.30 a.m. to 4.30 p.m. with usual half an hour break on all working days other than Saturdays and from 9.30 a.m. to 1.30 p.m. on Saturdays. The duration of the working hours of the branch was not increased. The service condition of the employees of the branch is not in any way changed. They worked for 6-1/2 hours on week days and four hours on Saturdays prior to 5-12-95, and continued to work for same number of hours after 5-12-95. Therefore, there is no change in the service conditions of the employees of the branch as envisaged u/s 9A of the I.D. Act. The employees of the said branch are not in any way affected. Since the duration of their working hours has not been altered, the petitioner/workmen cannot take the plea that the respondent bank unilaterally changed in the timings without a notice u/s 9A of the I.D. Act. The list enumerated in the IV Schedule will not be applicable as Section 9A of the I.D. Act relates only to change the service conditions of the employee. In the Bipartite Settlement dated 17-9-1984 (the Indian Banks' Association and AIBEA and ACBE) clause XI reads as follows :

"The Banks will be at liberty to fix at their discretion the actual timings of work, provided the maximum number of hours of work applicable are being observed. It is agreed that any change made by the Bank in the actual timings of work of any workman for staggering purposes as also any change in the weekly holidays of any workman consequent upon a change made by the Bank in the weekly holidays of a branch office will not require a notice of change under section 9-A of the Industrial Disputes Act, 1947."

Clause 22(b) of Memorandum of Settlement dated 10-4-1989 between Indian Banks' Association and AIBEA and NCBE reads as follows :

"The Unions agree that any change in the business hours is Management's prerogative" .

Therefore the petitioners have no right to raise the present dispute as it has been already agreed under the Bipartite Settlement dated 17-9-84 and 10-4-1989. The dispute raised in the petition is frivolous and vexatious. Further, before effecting the change in the working hours, notice was exhibited in the Notice Board of the branch, and hand bills were printed and distributed among the public. The petitioner's claim for adequate compensation for making the change in working hours from 4-12-1995 is baseless and unjustified. The petitioners are not entitled to any compensation as there is no increase in the working hours of the branch. In the circumstances, the dispute raised by the petitioner is without any basis, frivolous and vexatious and liable to be dismissed. The respondent prays to dismiss the petition.

4. No witness was examined and on behalf of the both sides. Ex. W1 to W5 was marked on behalf of the petitioner and Ex. M1 to M15 was marked on behalf of the respondent by consent.

5. The Point for consideration is : Whether the action of the management of the Federal Bank Limited, Always in changing the working hours of their Thirumangalam branch from 8.30 a.m. 3.30 p.m. to 9.30 a.m. 4.30 p.m. with effect from 4-12-95 without complying with Section 9A of the I.D. Act is justified or not ?

6. The Point : The working hours of the Thirumangalam branch prior to 4-12-95 on week days was from 8.30 a.m. to 3.30 p.m. and on Saturdays from 8.30 a.m. to 12.30 p.m. On 11-7-95, the Senior Manager of the said branch held a Staff Meeting wherein as per Ex. M3 Minutes it was decided to change the timings of the branch from the present timings after getting necessary permission from the higher authorities. On 6-11-95 eleven employees of the said branch sent Ex. M4 letter to the Chairman of the respondent bank requesting to retain the then working hours of the branch. On 20-9-95 the Senior Manager held another meeting with the Staff members and according to the Minutes, Ex. M5 the Sr. Manager told the staff that the formal approval from the Planning dept. Head Office has been received for the proposed change of timings of their branch from 9.30 a.m. to 4.30 p.m. on week days and 9.30 a.m. to 1.30 p.m. On Saturdays and the change the timings is implemented from the month of October, 1995. On 21-9-1995, the Senior Manager of the Thirumangalam Branch sent Ex. M6 letter to the Chairman of the respondent branch where he specifically mentioned that a very few people come to the bank during 8.30 a.m. to 10.00 a.m. and the proposed change will definitely bring in more business and will be advantage to the bank and the change in timings is more convenient to the staff in general, except for two or three who had specially requested and brought transfer to the branch on personal reasons. On 27-10-95 the Planning dept. sent Ex. M7 letter to the branch permitting change of timings after giving due notice to the Staff members and clients. On 29-11-95, the Senior Manager had another meeting with the Members of the Staff and intimated the change of timings w.e.f. 4-12-95, and the Minutes of the said meeting is Ex. M8. On 17-11-95 the respondent bank Manager published a notice Ex. M9 in its premises. The branch also issued Pamphlets Ex. M10 intimating the public about the change of business hours and working hours. A Notification Ex. M11 was also published through 'Indian Express' regarding the change of timings of the branch. On 20-11-95 the petitioner union raised a dispute by sending Ex. W2 letter to the Regional Labour Commissioner (Central) at Madras protesting against the change of timings. A reply sent from the respondent to the Asst. Commissioner of Labour is Ex. M1. The rejoinder submitted by the petitioner to the counter of the respondent is Ex. W3. The petitioner union sent another letter dated 5-8-86 Ex. W4 to the Asst. Commissioner of Labour (Central). The Conciliation Failure report is Ex. W5.

7. The contention of the petitioner is that the change of timings of the working hours of the bank is a change in the condition of service of the Staff and therefore a change effected without a notice u/s. 9A of the I.D. Act is invalid. According to the petitioners the change of timings is change of conditions of service mentioned as Item 4 in the IV Schedule of the I.D. Act, according to which a notice u/s. 9A of the I.D. Act is mandatory. The contention of the respondent management is that the change the timings of the working hours of the branch is not a change in the condition of the service of the workmen and in the Memorandum of Settlement, the employees union have categorically admitted that no notice u/s. 9A of the I.D. Act is necessary to effect the change of timings and the working hours.

8. Prior to 4-12-95 the working hours on all week days was from 8.30 a.m. to 3.30 p.m. and on Saturdays 8.30 a.m. to 12.30 p.m. After about three or four meetings on 11-7-95, 20-9-95 and 29-11-95 in the discussion between the staff members and the Senior Branch Manager the change in timings of the working hours has been effected w.e.f. 4-12-95. The staff members were well aware of such a change of timings and in fact have sent Ex. M4 letter dated 6-9-95 objecting such a change. But the Head Office has considered the business transactions during 8.30 a.m. and 9.30 a.m. which was very meagre as seen from the Annexure Ex. M2 and has decided to change the timings. Earlier when the bank was started the area where the bank functions was only a residential area and

in due course the area has become a commercial area where the shops and establishments open normally at 9.30 a.m. or 10 a.m. A perusal of Ex. M2 details of number of vouchers that were transacted for one hour from 8.30 a.m. to 9.30 a.m. would show that the turn out of work was very meagre during 8.30 a.m. to 9.30 a.m. There is no ulterior motive on the part of the respondent to change the timings. But the intention to change the timings has been to promote more business and for the convenience of the public/customers. The number of working hours and recess time of half an hour remains the same that is six and half hours as working hours and half an hour as recess hour. When there is no increase in the working hours, no prejudice or hardship will be caused to the staff by opening the bank one hour later i.e. 9.30 a.m. instead of 8.30 a.m. The petitioner has not made out any valid reason to show that the staff will suffer or any hardship will be caused to the staff by change of such timings. Ex. M14 is a Memorandum of Settlement dated 17-9-1934 between the Indian Banks Association and the workmen represented by the All India Bank Employees Association and National Confederation of Bank Employees. Under clause XI of the said Settlement, it is mentioned as follows :

"The banks will be at liberty to fix at their discretion the actual timings of work, provided the maximum number of hours of work applicable are being observed. It is agreed that any change made by the bank in the actual timings of work of any workman for staggering purposes as also any change in the weekly holiday of any workman consequent upon a change made by the bank in the weekly holiday of a branch/office will not require a notice of change under Sec. 9A of the Industrial Disputes Act, 1947. Sufficient advance intimation of such change in actual timings of work will, however, be given to the workmen concerned."

In the above said Settlement, the respondent is one of the Banks and the union has been represented by its National Confederation of Bank Employees. On 10-4-89, another Settlement u/s. 18(1) of the I.D. Act has been entered into between the Managements of 54 'A' Class Banks (respondent being one among them) and their workmen represented by the All India Bank Employees Association and the National Confederation of Bank Employees. In the above said Ex. M15 Settlement, under Clause 22 "General provisions" Clause 22(b) reads as follows :

"The Union agreed that any change in the business hours is management's prerogative".

The respondent bank is Item No. 21 in the list of banks which are bound by the Settlement.

9. A perusal of the records would show that there is no increase in the working hours of the respondent bank's, Thirumangalam branch by changing the timings and in any way it affects the staff and such a change does not require a notice u/s. 9A of the I.D. Act. In a Division Bench Judgement by the Hon'ble High Court at Bombay reported in 1997 (2) ILN page 434 between Transport and Dock Workers Union, Bombay and Anr. And Chowgule Steamships Ltd. & Anr. has been held as follows :

"The Parliament has used two different expressions viz. "hours of work" and "period of work". Hours of work means total hours for which the workman is required to work. Period of work means the periods including the hours of work and interval for rest. Period of work, in fact, is the period during which the workman is required to remain present on the premises where as hours of work means the period for which the workman is required to work. The two expressions are neither interchangeable nor is it possible to say that "hours of work" is wide enough to include period of work. On the contrary, the reverse is true. Obviously, period of work is a wider expression. It is wider and longer than the hours of work because it includes not only the hours of work but also intervals for rest. It is clear from the above discussion that hours of work referred to in item (4) of the Fourth Schedule to the Industrial Disputes Act does not mean periods of work. It is also clear from the expression "the rest intervals" added to the hours of work in the said item itself, that in fact, it is the

actual hours of work and actual rest intervals that are referred to in item (4). If any change is proposed to be made in the hours of work or the rest intervals such a change would fall under item (4) and S. 9A would be attracted. But if no change is made therein, i.e. the hours of work or the rest intervals, and what is changed is the period of work, such change would not fall under item (4) of the Fourth Schedule and S. 9A would not be attracted for that purpose. No notice of 21 days' contemplated by S. 9A would be required in such a case.

In view of the above, in our opinion, the learned Single Judge was right in holding that what was changed in the instant case was the period of work or the shift timings and not the hours of work and hence, the change did not fall under item (4) of the Fourth Schedule and that being so S. 9A was not attracted.

Further, the workmen union itself agreed that the change of timings is the prerogative of management and no notice u/s 9A of the I.D. Act is necessary. When the respondent bank has effected change of timings after three meetings with its Staff members with a view to improve its business and for the convenience of the public it is silly on the part of the few employees to raise a dispute and drag the same all the way upto this Tribunal. In fact no prejudice or hardship would be caused to the employees by the change of timings. The employees have unnecessarily dragged the respondent management to the Conciliation Officer and at least to this Tribunal.

In the result, the claim of the petitioner is dismissed. Award passed. No costs.

Dated, this the 29th day of July, 1999

S. ASHOK KUMAR, Industrial Tribunal
WITNESSES EXAMINED

For both sides : None.

For Petitioner/workman.

DOCUMENTS

Ex. W1 17-11-95 : Notice regarding intimation of change of hours (xerox).

Ex. W2 10-11-95 : Union's letter raising dispute about change in Service condition. (xerox)

Ex. W3 16-1-96 : Rejoinder to the counter (xerox).

Ex. W4 5-8-96 : Letter to Asst. Labour Commissioner (Central) (Xerox).

Ex. W5 6-9-96 : Failure of Conciliation report (xerox)
For Respondent/Management

Ex. M1 29-12-95 : Management's letter to the Asst. Labour Commissioner (copy).

Ex. M2 : Data regarding business transacted from 8.30 a.m. to 9 a.m. and 9 a.m. to 9.30 a.m. (7-6-95 to 6-7-95).

Ex. M3 11-7-95 : Minutes of Staff meeting.

Ex. M4 6-9-95 : Representation of Staff members to the respondent.

Ex. M5 20-9-95 : Minutes of Staff Meeting (copy).

Ex. M6 21-9-95 : Letter of Senior Manager to the Chairman of the Federal Bank (copy).

Ex. M7 27-10-95 : Petitioner to change of timing (copy)

Ex. M8 29-11-95 : Minutes of Staff Meeting (copy).

Ex. M9 17-11-95 : Notice regarding Change of Timing"

Ex. M10 17-11-95 : Pamphlet circulated among public regarding change of timing (Original Newspaper).

Ex. M-11 2-12-95 Notification given in Indian Express regarding change of timings (Original Newspaper)

Ex. M12 7-10-97 Invitation letter regarding shifting of Branch premises (Original).

Ex. M13 27-1-99 Letter from Indian Bank's Assn. to Dy. General Manager (P&HRD) Dept. (copy).

Ex. M14 17-9-84 Memorandum of Settlement between Indian Bank's Assn. & All India Bank Employees' Assn. & the National Confederation of Bank employees (copy).

Ex. M15 10-4-89 : Memorandum of Settlement between Indian Bank's Assn. and A.I.B.E.A. and N.C.B.E. (Copy).

नई दिल्ली, 22 अक्टूबर, 1999

का. आ. 3298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय ग्रामीण बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-1999 को प्राप्त हुआ था।

[सं. एल-12012/113/93-आई आर (बी-II) (बी-I)]

जी. रॉय, डेस्क अधिकारी

New Delhi, the 22nd October, 1999

S.O. 3298.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kshetriya Gramin Bank and their workman, which was received by the Central Government on 21st October, 1999.

[No. L-12012/113/93-IR(B-II) (B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Presiding Officer, Shri D. N. Dixit.

Case No. CGIT/LC/R/136/93

General Secretary,
Kshetriya Gramin Bank,
Hoshangabad Workers Association. . . Applicant.

Versus

Chairman,
Kshetriya Gramin Bank,
HO Mangalwara,
Hoshangabad. . . Non-applicant.

AWARD

Delivered on this 13th day of September, 1999

1. The Government of India, Ministry of Labour vide order No. L-12012/113/93-IR.B-II dated 19th

19 July, 1993 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Kshetriya Gramin Bank, Hoshangabad in imposing the punishment of withholding 3 increments on cumulative basis on Shri Mond. Rafi Khan is legal and justified? If not what relief the workman is entitled to?”

2. The case of the workman Shri Mohd. Rafi Khan is that he was posted as a clerk-cum-cashier in the Uchera Jamunia Branch of the Bank in the year 1991. A charge sheet was issued to him on 6th August, 1991 alleging that the workman has beaten the Branch Manager and inside the Bank Building had thrown a shoe at him. This was done when the customers and the staff of the Bank are present. The workman denied this charge and departmental enquiry was held. In the enquiry, the workman participated and the Enquiry Officer found the charge against the workman proved. The workman has been punished and his 3 increments on cumulative basis has been withheld. According to workman, the procedure adopted by the DE officer in this Enquiry proceedings is irregular and illegal. The punishment also is excessive and unproportionate to the misconduct. The case of the management is that on 25th February, 1991, the workman has beaten the Branch Manager and had thrown a shoe on him when Bank was functioning and customers and staff were present. The workman was issued a charge sheet and he denied. A departmental enquiry was held and the Enquiry Officer found the workman guilty. The workman has been given punishment of withholding of 3 increments on cumulative basis. According to management, every opportunity was given to the workman to defend himself. The workman has actively participated in the DE proceedings. The management justified the punishment given to the workman which is proportion to misconduct. Management wants that the award be given in their favour.

3. This court vide order dated 8-10-97 has held that the DE conducted against the workman is vitiated.

4. The management has examined Shri Devendra Kumar Khare to prove the charge that on 25-2-91, the workman has assaulted him and thrown a shoe on him in the Bank premises. This witness was the Bank Manager of Uchera Jamunia Branch on that date. This witness has been cross-examined on his affidavit. In his cross examination the witness had affirmed to his statement. There is nothing on record to disbelieve this witness. He has made report to the management at the earliest opportunity. Through out, this witness has stated that the workman without any provocation has assaulted him and thrown a shoe to humiliate him. The management witnessed Shri Jugal Kishore as stated in his affidavit that on 25-2-91, the workman has assaulted Shri Khare. Further this witness has stated that the workman hurled a shoe at Shri Khare which Shri Khare shielded in his hand. In cross-examination, there is nothing on record that this witness has not seen the incident. I believe this witness.

5. The management witness Shri Santosh Kumar Jain has stated that in the DE on 27-11-91, the workman has pleaded guilty to the charge of assault on

Shri Devendra Kumar Khare. At that time his co-worker Shri Satyendra Kumar Jain was present. This witness has been cross-examined by the workman. There is nothing on record to suggest that this witness is speaking a lie. I believe him.

6. The management witness Shri V. K. Mushal has conducted the DE against the workman. He has stated that he has recorded the proceedings of the enquiry and these are Exhibit-M-I to Exhibit-M. V. His report is Exhibit M-VI. The proceedings Exhibit-M-II states that the workman has admitted that he has used abusive language to the Manager and hurled a shoe. The proceedings states that the workman has admitted his charge. Ex. M. V. states that on admission of the workman, charge No. 1 is proved against the workman.

7. The management has proved that on 27-11-93, in the Departmental Enquiry, in the presence of his co-worker the workman has accepted charge No. 1. Thus the enquiry against the workman was dropped and the DE officer submitted his report. The workman could not prove in this court that his admission was under pressure and not voluntary. This burden was on the workman.

8. In the court, Shri Khare has stated in clear terms that the workman assaulted him and further hurled a shoe at him. This is proved by the statement of Shri Jugal Kishore Rai. Thus the management has proved Charge No. 1 in court. Charge No. 1 that the workman assaulted Branch Manager Shri Devendra Kumar Khare and hurled a shoe at him.

9. The workman has assaulted a superior officer in the Bank premises. Thus he is guilty of misconduct. The punishment awarded to him is stoppage of 3 increments on cumulative basis. The punishment is proportionate to the misconduct.

10. The workman is not entitled to any relief. The action of the management are proper and valid. The award is given in favour of the management. Parties to bear their own cost.

11. Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 1999

का. आ. 3299 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ सौराष्ट्र, के प्रबंधन के संज्ञक नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, राजकोट के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-1999 को प्राप्त हुआ था । -

[सं. एल-12012/207/97-आईआर (बी-1)]

जी राय, डेस्क अधिकारी

New Delhi, the 25th October, 1999

S.O. 3299.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Rajkot as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Saurashtra and their workman, which was received by the Central Government on 21-10-1999.

[No. L-12012/207/97-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE SHRI Y. P. BHATT, INDUSTRIAL TRIBUNAL (C), RAJKOT

Reference (IT-C) No. 24/98

Adjudication between
The State Bank of Saurashtra,
Wankaner Branch,
Wankaner (Distt. Rajkot)

.. First party

AND

The workman,
Shri Balashanker P. Madhvi,
Luhar Temple Street,
Wankaner (Distt. Rajkot).

.. Second party

AWARD

The industrial dispute between the aforesaid parties was referred by the Government of India Ministry of Labour, New Delhi vide its order No. L-12012/207/97-IR(B-I) dt. 29-4-98 to this Tribunal for adjudication. The dispute related to following demand :

“Whether the action of the Branch Manager, State Bank of Saurashtra Wankaner, Distt. Rajkot in terminating the services of Shri Balashanker P. Madhvi, Wankaner is proper, legal and justified? If not, to what relief and benefits the concerned workman is entitled?”

The workman had filed his statement of claim at Ex. 2 but thereafter no appearance was made by him nor the first party Bank had appeared. During the mean time the workman concerned stated vide his letter dtd. 21-7-98 that he wants to withdraw this case and that he does not want to proceed with the matter and requested to dismiss this case. A notice was thereafter issued to the workman and his advocate. The workman appeared and stated that he would consult his advocate regarding the application dtd. 21-7-98, but thereafter nothing happened. It appears that the workman is not interested in this case, perhaps he might have got assurance that he would be taken on work if he withdraws this case. I, accordingly, dismiss this case for want of prosecution. Order accordingly with no orders as to costs.

Rajkot,

Dt. 4-10-1999

Y. P. BHATT, Industrial Tribunal (Central)

नई दिल्ली, 29 अक्टूबर, 1999

का.आ. 3300:—कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5-घ की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्री अजय सिंह, आईआरएस (1972) को स्वर्गीय श्री आर. एस. कौशिक के स्थान पर 29 अक्टूबर, 1999 से पांच वर्ष के लिए अग्रवर्ग अग्रे अग्रदेश होने तक केन्द्रीय भविष्य निधि आयुक्त नियुक्त करती है।

[सं. ए 12026/5/99-एम.एस.-I]

जे. पी. शुकला, उप सचिव

New Delhi, the 29th October, 1999

S.O. 3300.—In exercise of the powers conferred by Sub-section (1) of Section 5-D of the Employee's Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Sh. Ajai Singh, IRS, (1972) as the Central Provident Fund Commissioner vice late Sh. R. S. Kaushik for a period of five years with effect from 29th October, 1999 or until further orders.

[No. A-12026/5/99-SS. I]

J. P. SHUKLA, Dy. Secy.

नई दिल्ली, 29 अक्टूबर, 1999

का.आ. 3301:—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एनडब्ल्यूआर का राजपत्र, असाधारण, भाग-II, खंड-3 (ii) में दिनांक 8 जून, 1995 को प्रकाशित भारत सरकार के श्रम मंत्रालय की अधिसूचना सं. 509(अ.) दिनांक 8 जून, 1995 में निम्नलिखित संशोधन करती है :—

उक्त अधिसूचना में दत्त “इस प्रयोजनार्थ केन्द्रीय सरकार द्वारा धारा 4 के खंड (क) के अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त” शब्दों के तहत “केन्द्रीय श्रम मंत्री” शब्दों के स्थान पर “श्रम राज्य मंत्री” शब्दों की प्रतिस्थापित किया जायेगा।

[सं. यू. 16012/2/95-एस.एस.-I]

जे. पी. शुकला, उप सचिव

New Delhi, the 29th October, 1999

S.O. 3301.—In exercise of the powers conferred by Section-4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Govt. of India in the Ministry of Labour No. 509(E), dated the 8th June, 1995 published in the Gazette of India, Extraordinary, Part II, Section-3(ii) dated the 8th June, 1995;

In the said notification under the heading Appointed by the Central Government under clause (a) of Section 4 for the words “Union Labour Minister” the words “Minister of State for Labour” shall be substituted.

[No. U-16012/2/95-SS. I]

J. P. SHUKLA, Dy. Secy.

नई दिल्ली, 29 अक्टूबर, 1999

New Delhi, the 29th October, 1999

का.आ. 3302:—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा दिनांक 10 अप्रैल 1997 को भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उपखंड (ii) में प्रकाशित श्रम मंत्रालय भारत सरकार के का.आ. 321(अ) दिनांक 9 अप्रैल, 1997 की अधिसूचना में निम्नलिखित संशोधन करती है :—

उक्त अधिसूचना में “अध्यक्ष” शीर्षक के अन्तर्गत “श्रम मंत्री” शब्दों के स्थान पर “श्रम राज्य मंत्री” शब्द प्रतिस्थापित किए जाएंगे।

[सं. वी-20012/1/97-एस.एस.-II]

जे. पी. शुक्ला उप सचिव

S.O. 3302.—In exercise of the powers conferred by sub-section (1) of Section 5-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Labour S. O. 321(E) dated the 9th April, 1997 published in Part II Section 3 sub-section (ii) of the Gazette of India Extraordinary dated 10th April, 1997 :—

In the said notification under the heading “Chairman” for the words “Minister for Labour” the words “Minister of State for Labour” shall be substituted.

[No. V-20012/1/97-SS.II]

J. P. SHUKLA, Dy. Secy.

